

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27465 of 2022

Sarat Kumar Moharana

....

Petitioner

Mr. S.K. Pal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.10.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. The present writ petition has been filed by the Petitioner with the following prayer:

“The Petitioner therefore humbly pray that, this Hon’ble Court may graciously be pleased to allow the Writ Application, issue Rule “Nisi” calling upon the opp. Parties to show cause as to why the Annexure-6 is not set aside;

And if the opp. parties are fail to show cause or show insufficient cause, make the said rule absolute by issuing appropriate Writ(s)/direction(s) in this fact of the present case and directing the opp. party No.3 to the sanction / fixation pay in existing promotional pay

band and grade pay i.e. PB-II (9300-34800) G.P.4600/- in pay matrix attached to the promotional post as per (MACP entitlement) and RACP Rule – 2013 and fixed basic pay Rs.44,900/- in level-10, Cell-1 w.e.f. 01.01.2016 onwards as per the pay matrix as per ORSP Rules, 2017 for the post of Asst. Fisheries Officer towards 2nd RACP on completion of 20 years of continuous service; And also disburse all legal dues and service benefit to the petitioner taking into Annexure-1 and 7 pass any other order/direction as this Hon'ble Court may deem fit and proper in facts and circumstances of the case;"

4. It is further submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 06.07.2022, under Annexure-7 before the Director of Fisheries, Odisha, Cuttack- Opposite Party No.3, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel appearing for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties and the limited nature of grievance involved in the present writ petition and further keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Director of Fisheries, Odisha, Cuttack-Opposite Party No.3 to consider the representation of the Petitioner dated 06.07.2022 under Annexure-7 in accordance with law within a period of two months from the date of production of certified copy of this order. Further, it is directed that while considering the

representation of the petitioner, the Resolution of the Government in Fisheries & Animal Resources Development Department dated 01.06.2011 shall be taken into consideration. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. Any decision taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

7. With the above direction, the writ petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.



RKS