

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28255 OF 2022

Birendra Kumar Singh Samanta ***Petitioner***
Mr.S.K.Dash, Advocate

-versus-

State of Odisha of others ***Opposite Parties***
Mr.B.P.Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The Petitioner has filed the present writ application with the following prayer:

“ Under the facts and circumstances stated above, it is therefore prayed that Your Lordships may be graciously be pleased to admit this writ petition and issue notice to the opposite parties calling upon them to show cause as to why the prayer made in this application by the Petitioner for payment of arrear differential unutilized leave salary and differential Dearness Allowance relating to Revised Scale of Pay Rules, 1998 along with all connected dues will not be allowed.

And if the Opp.Parties fail to show cause or show insufficient cause, Your Lordship may be pleased to pass order/direction to pay such differential amount of dues to the petitioner within a reasonable period or may be pleased to pass order to dispose of the representation dated 05.09.2022 vide Annexure-4 favourably within a time bound period.

And to issue any other writ or writs, direction or directions, order or orders as this Hon’ble Court deems fit and proper.”

4. In course of hearing of the writ application, learned counsel for

the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the Principal Secretary to Government, Transport Department, Odisha, Opposite Party No.2 on 10.10.2022 under Annexure-4. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.2 to consider the representation of the Petitioner under Annexure-4 within a stipulated period of time.

5. Learned Additional Standing Counsel submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.2, which is stated to be pending, in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.2 to consider the representation of the Petitioner under Annexure-4 in accordance with law within a period of six weeks from the date of production of certified copy of this order. The Opposite Party No.2 shall do well to dispose of the representation of the Petitioner under Annexure-4 by passing a speaking and reasoned order.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

