

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28554 of 2022

Prakash Ranjan Agasti

....

Petitioner

Mr. B. Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. B.Pr. Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.11.2022

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit the writ application, call upon the opposite parties to show cause and upon their failure to show cause or showing insufficient cause, may further be pleased to quash the Departmental Proceeding No.3 of 1993 drawn up against the petitioner under Annexure-1 to the writ petition and direct the opposite party no.2 to sanction the financial up-gradation under ACP/RACP Scheme in favour of the petitioner with retrospective effect, i.e.; with effect from the dates on which such up-gradation became due and admissible under the Scheme and release all consequential pecuniary benefits including arrear differential salary, within a stipulated time limit;

This Hon’ble Court may also be pleased to issue such other/further order/direction/writ as may be deemed just and proper in the facts and circumstances of the case;”

4. It is submitted by learned counsel for the petitioner that being aggrieved by inaction of the disciplinary authority, the petitioner has approach this Court by filing the present writ petition. He further contends that the departmental proceeding is pending since thirty years as a result of which the petitioner deprived of benefits ACP/RACP and other consequential benefits.

5. It is further submitted by learned counsel for the petitioner that the petitioner is on the verge of retirement. In such view of the matter, the opposite parties may be directed to conclude the departmental proceeding, if any.

6. Considering the submissions made, the limited nature of grievance involved in the present writ petition, 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 opposite parties shall do well to terminate the departmental proceeding, if any, and release the service benefits in favour of the petitioner in accordance with law within a period of eight weeks from the date of production of certified copy of this order. It is needless to mention here that the case of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge