

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28777 of 2022

Dhanabanta Behera

.... ***Petitioner***
Mr.B.B.Swain, Advocate

-versus-

State of Odisha & others

.... ***Opposite Parties***
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
09.11.2022

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 appearing for the State-Opposite Parties.
3. The Petitioner has filed the present writ application with the following prayer:

“Therefore, the Petitioner most humbly prays that this Hon’ble Court may graciously be pleased to issue Rule NISI calling upon the Opposite Parties to show cause as to why:

i) The Opposite Parties shall not be directed to regularize the service of the Petitioner against existing vacancy as sweeper in the Sambalpur Municipal Corporation.

ii) The Opp. Parties shall not be directed to pay the arrear and present salary attached to the post of regular sweeper and all other consequential service benefits attached to the said post.

iii) *Non-consideration of the case of the Petitioner shall not be held as illegal, arbitrary and contrary to law.*

And if the Opposite Parties fail to show cause or show insufficient cause the Rule shall be made absolute;

And pass any other order/orders, direction/directions as may be deemed just 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 Commissioner, Sambalpur Municipal Corporation, Opposite Party No.2 on 20.05.2022 under Annexure-2. 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-2 within a stipulated period of time.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties 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-2 in accordance with law within a period of eight 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-2 by passing a speaking and reasoned order keeping in view the law laid down by the Hon'ble Supreme Court in the cases of *Secretary, State of Karnataka –v.- Uma Devi, reported in (2006) 4 SCC 1* and *State of Karnataka -v.- M.L. Kesari, reported in (2010) 9 SCC 247* as well as

by this Court in case of ***Basanta Kumar Barik -v.- State of Odisha and others*** (WPC(OA) No.616 of 2017 decided on 26.11.2021).

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

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

(A.K. Mohapatra)
Judge

Debasis

