

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28802 of 2022

Kailash Chandra Lenka ***Petitioner***

Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. A. Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.11.2022

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 the learned Additional Standing Counsel.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“Under the aforesaid facts and circumstances, it is humbly prayed that this Hon’ble Court may graciously be pleased to;

- I. Direct the opp.Parties to extend the service and financial benefits w.e.f. 01.03.2009 to the petitioner by implementing the order dt.13.10.2017 in O.A. No.3305(C)/2014 and batch passed by the Learned Tribunal, Cuttack Bench Cuttack, which has been affirmed in W.P.(C) No.24361/2017 vide order dated 18.5.2018 and SLP(C) Diary No.11066/2020, vide order dt.

13.7.2020 and grant the benefits as has been given 38 nos. of similarly situated persons within a stipulated period;

II. Pass such other order(s)/direction(s) as would deem fit and proper.”

4. It is submitted by learned counsel for the petitioner that a batch of original applications including Original Application filed by the Petitioner vide Annexure-1 has been filed before the learned Orissa Administrative Tribunal. The Orissa Administrative Tribunal after hearing learned counsel for the petitioner passed a detailed order dated 25.04.2017 allowing the prayer of the petitioner. Thereafter, it is submitted that the matter was challenged by the State before this Court in W.P.(C) No.23222 of 2017 which was disposed of by a common order passed in W.P.(C) No.24361 of 2017 vide order dated 18.05.2018. Thereafter, the State Government preferred Special Leave Petition (Civil) Diary No.(s) 11066 of 2020. On a perusal of the order passed by the Hon'ble Supreme Court which is annexed to the writ petition as Annexure-3, it appears that vide order dated 13.07.2020 the Hon'ble Supreme Court dismissed the SLP observing that “we see no reason to interfere with the order passed by the High Court.

5. At this juncture, learned counsel for the petitioner submits that the order passed in favour of the petitioner has not been extended. It is further submitted by learned counsel for the petitioner that similar benefit as has been extended in favour of the similarly situated persons, but the petitioner has been discriminated and the same has not been extended in favour of the petitioner. Accordingly, the petitioner has approached the Engineer-in-Chief, Water Resources,

Odisha, Bhubaneswar by filing a representation dated 08.02.2022 which is stated to be pending before him.

6. Learned Additional Standing Counsel on the other hand submits that since the representation is pending before the competent authority, let the competent authority is directed to take a decision in the matter in the light of the order of this Court which is ultimately affirmed by the Hon'ble Supreme Court.

7. Considering such submission, this Court disposes of the writ application directing the Opposite Party No.2 to consider and dispose of the representation dated 08.02.2022 under Annexure-4 stated to be pending before him by passing a reasoned and speaking order within a period of eight weeks from the date of production of order of this Court. The decision so taken shall be communicated to the Petitioner within 10 days thereafter. It is needless to mention here that the authority if comes to a conclusion that the petitioner is entitled to as per the order of the Hon'ble Supreme Court, the same be sanctioned and disbursed in favour of the petitioner within a period of two months.

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

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

(A.K. Mohapatra)
Judge