

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28946 of 2022

Jayabihari Nikhandia

.... ***Petitioner***
Mr. S.K. Pal, 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:-

“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 Rule, 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 2 pass any other order/direction as this Hon'ble Court may deem fit and proper in facts and circumstances of the case;

And for which at of kindness the Petitioner as in duty bound ever pray.”

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 Director of Fisheries, Cuttack, Opposite Party No.3 on 16.08.2022 under Annexure-7. 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 learned counsel for the petitioner that a direction be issued to the Opposite Party No.3 to consider the representation of the petitioner under Annexure-7 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.3, 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.3 to consider the representation of the Petitioner under Annexure-7 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.3 shall do well to dispose of the representation of the petitioner under Annexure-7 by passing a speaking and reasoned order taking into consideration Annexure-1.

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

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

Jagabandhu

