

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1072 of 2016

Sudhir Chandra Sahu **Petitioner**

Mr. Debendra Kumar Mallick
on behalf of Mr. K.C.Sahu, Advocate

-versus-

State of Odisha and others **Opposite Parties**

Mr. Nilambar Jena, SC, S&ME Deptt.

CORAM:
JUSTICE M.S.SAHOO

ORDER
27.7.2022

Order No .

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1. This matter is taken up through hybrid mode.
 2. The writ petition has been registered before this Court on 5.1.2022 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Bhubaneswar.
 3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued by order dated 10.6.2016, returnable within four weeks and rejoinder was to be filed within two weeks thereafter. Thereafter the matter was listed on 22.3.2018 and once thereafter in 2018, counter was not filed. There is no further pleadings from either of the parties available on record.
 4. The Original Application was filed in the year 2016 when the applicant was aged about 53 years with a prayer to grant him service benefits such as T.B.A. benefit on completion of 15 years of service in the post/grade of Assistant Teacher as per Rule 8(2) of the Orissa Revised Scale of Pay Rules, 1998, with effect from 1.8.2005.

5. Learned counsel for the petitioner fairly submits that it has not been mentioned in the O.A. as to whether the case of the applicant was considered by the authority for grant of such benefits as prayed for. Therefore, it is submitted that the petitioner may be allowed to approach the authority for redressal of his grievance in accordance with law.

6. Though the matter is pending since last six years and long pendency has not yielded any result regarding claim of the petitioner. It is submitted by the learned Standing Counsel that the petitioner's case has never been considered as indicated from the Original Application. Therefore, if the petitioner files any representation for getting benefits, as indicated above, the same shall be considered in accordance with law by the appropriate authority and shall be disposed of in due time.

7. Having heard learned counsel for the parties, the writ petition is disposed of with the following direction :

The petitioner, if so advised, shall make a representation for getting the benefit of TBA and/or ACP before the appropriate authority by making a representation enclosing copy of the relevant documents sought to be relied upon by the petitioner. The authority shall do well to consider the representation of the petitioner in accordance with law, as expeditiously as possible, preferably within a period of four months, from the date of communication of certified copy of this order along with copy of representation and documents.

8. The authority shall communicate the petitioner the result of its consideration within two weeks for taking the decision.

The petitioner shall be at liberty to take appropriate follow-up action, pursuant to the order that is to be passed by the authority.

It is further observed that if the authority finds the petitioner to be eligible to get the TBA and/or ACP, further steps be taken for release of the same at the earliest.

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(M.S.Sahoo)
Judge

