

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.29315 of 2022**

***Subash Chandra Barik***

....

***Petitioner***

*Mr. P.K. Mohapatra, Advocate*

*-versus-*

***State of Odisha and others***

....

***Opposite Parties***

*Mr. P.C. Das, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**15.12.2022**

**Order No.**

**I.A. No.16118 of 2022**

- 02.
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.
  3. In view of the submissions made, the order dated 11.11.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

***( A.K. Mohapatra )***  
***Judge***

**W.P.(C) No.29315 of 2022**

- 03.
4. Heard.
  5. The present writ petition has been filed by the petitioner with the following prayers:

“The petitioner therefore prays that your Lordships may graciously be pleased to:-

- i) Direct the Opp. Parties to notionally regularize the services of the petitioner without monetary benefit from 9.12.1985 to 17.11.2004 and extend the monetary benefit to be paid from 18.11.2004 i.e. the date of joining as Jr. Clerk in regular cadre and the period from 9.12.1985 be taken for continuity of service and pension and pensionary benefits in the light of the decision of the Hon’ble Supreme Court in the case of Markant Rai vrs. State of Bihar & others reported in (2015) 5 SC 265 and O.A. No.1495(c)/1999, which has been affirmed by this Hon’ble court in W.P.(C) No.25159/2017;
- ii) Pass such other orders/directions as may be deemed fit and proper in the bonafide interest justice.”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 23.12.2021 under Annexure-8 before the Secretary, Govt. of Orissa, Revenue and Disaster Management Department-Opposite Party No.1, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties, 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 Ministry of Secretary, Govt. of Orissa, Revenue and Disaster Management

Department-Opposite Party No.1 to consider the representation of the petitioner dated 23.12.2021 under Annexure-8 taking into consideration Annexures-6&7 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 representation 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*

Jagabandhu

