

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29317 of 2022

Jadaba Maharana

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

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 as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Under the aforesaid facts and circumstances of the case it is therefore, prayed that this Hon’ble court may kindly issue writ in the nature of mandamus or any other writ applicable and direct the Op.Parties to release the regular pension along with the service benefits of the petitioner, who was retired from the service, after attending the age of superannuation on 31.05.2007, by taking into consideration of the fact that the similarly situated persons have availed the regular pension in pursuant to the office order no.4896, dated-03.11.2009, by virtue of the creation of temporary post by bringing them to the establishment, under the preview of regular pension in accordance with the instruction contained in L. No-22793/WER, dated 28.08.2009, as deemed just and proper.

And pass such other order(s)/direction(s) as may be

deemed fit proper in the bonafide interest of justice.”

4. It is submitted by learned counsel for the petitioner that the similarly situated persons have been extended the pensionary benefit. Therefore, learned counsel for the petitioner submits that the petitioner is entitled to get the said benefits and the authorities have not considered the case of the petitioner in the meanwhile. It is also submitted that the petitioner has been filed representation dated 24.10.2014 under Annexure-2 before the Executive Engineer, Upper Kolab Head works Division, Kolab Nagar, Korapur-Opposite Party No.2, which has not been considered as of now.

5. Learned counsel for the State, on the other hand, submits that let the petitioner be approached before the competent authority i.e. Executive Engineer, Upper Kolab Head works Division, Kolab Nagar, Korapur-Opposite Party No.2, who shall be considered and disposed of in accordance with law.

6. Considering the submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission without expressing any opinion on the merits of the case with a direction to the petitioner to file comprehensive representation within a period of two weeks from today along with supporting documents before the Executive Engineer, Upper Kolab Head works Division, Kolab Nagar, Korapur-Opposite Party No.2 and in the event such a representation is filed within two weeks from today, it is further directed that the Executive Engineer, Upper Kolab Head Works Division, Kolab Nagar, Korapur-Opposite Party No.2 shall do well to look into the grievance of the petitioner and take a decision on the comprehensive representation of the petitioner 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 comprehensive representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Further, it is directed that in the event any amount is found to be payable to the petitioner, the same shall be paid to the petitioner within four weeks from the date of taking a decision on the representation of the petitioner. The 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.

Jagabandhu

