

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAPC) No.170 of 2014

Kailash Chandra Barik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
30.03.2022**

Order No

- 02.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Tushar Kumar Mishra, learned counsel appearing for the Petitioner and Mr. Satapathy, learned counsel appearing for the Opp. Parties.
3. This writ Petition has been filed with the following prayer:

“The applicant therefore prayed that this Hon’ble Tribunal pleased to direct the respondents to disburse the T.B.A by counting 15 years of service from the date of appointment i.e. from 15.04.1976 and other consequential benefits.

And further be pleased to pass any other order/order(s), direction/direction(s) as would be deemed fit and proper.”

4. Even though the writ Petition has been filed on 30.04.2014, no notice has ever been issued to the Opp. Parties.

5. Mr. Mishra, learned counsel for the Petitioner submitted that the claim raised by the Petitioner in the present writ Petition is covered by a decision rendered by the learned Tribunal on 14.02.2014 in O.A. No.4206(C) of 2013 and batch.

6. It is also further submitted by Mr. Mishra, learned counsel for the Petitioner that the order so passed by the learned Tribunal on 14.02.2014 has been complied with by the Opp. Parties. Accordingly, Mr. Mishra prayed for disposal of the writ Petition in the light of the order passed by the learned Tribunal on 14.02.2014.

7. Mr. Satapathy, learned counsel appearing for the Opp. Parties though did not dispute the order passed by the learned Tribunal on 14.02.2014, but he has no instruction as to whether the same has been implemented by the Opp. Parties.

8. A perusal of the order passed by the learned Tribunal shows that similar issue has been decided with a direction to the Opp. Parties to extend the benefits of T.B.A.

9. Be that as it may, since the Petitioner has never approached the Opp. Parties claiming extension of the benefits as has been allowed in favour of the Petitioners in the above noted batch of cases, the Petitioner is permitted

to make a detailed representation before O.P. No.1 within a period of three weeks hence.

10. It is observed that if any such representation is made within the aforesaid period before O.P. No.1, O.P No.1 shall do well to take a decision on the same in the light of the order passed by the learned Tribunal on 14.02.2014 in O.A. No.4206(C) of 2013 and batch. O.P. No.1 is directed to take a decision within three months from the date of receipt of the representation. The order so passed by the O.P. No.1 be also communicated to the Petitioner.

11. With the aforesaid observation and direction, the writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

