

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 29815 of 2022

Shree Sarbangya Sahoo

....

Petitioner

Mr. P.K. Das-I, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Rout., AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.11.2022

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 Additional Government Advocate appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“It is therefore humbly prayed that this Hon’ble Court may be kind and gracious enough and be pleased to issue ‘RULE NISI’ calling upon the Opposite Parties to show cause and if the Opposite Parties fail to show cause or show insufficient cause, then make the rule absolute;

And be pleased to issue a Writ of Mandamus to the Opposite Parties directing them to consider and sanction full pension w.e.f. 01.05.2013 taking consideration of past service of the petitioner from 01.11.1980 (Subscriber of P.F. before RPFC, Bhubaneswar) to 31.03.1996 (OHPC taken over) total 15 years over and above the period from 01.04.1996 to 30.04.2013 (17 years) already taken account for sanctioning part-pension within a stipulated period;

And/or by treating the service as regular from 1983 (5 years after Work-charge in 1978) to 31.03.1996 (OHPC taken over) total of 13 years over above 17 years already taken into account for granting full pension;

And direct the opposite parties to pay full pension with arrears with 18% interest from 01.05.2013;

And further be pleased to direct the opposite parties (OP No.1) to consider and dispose of the last representation of the petitioner given on 12.09.2022 under Annexure-10 considering the fact that employer's share of PF money already deducted and/or any shortfall if any the petitioner may be directed and given liberty to return back the PF employer's share to get full pension;

And be pleased to pass any other order/orders as deem fit and proper in the facts and circumstances."

4. It is submitted by learned counsel for the Petitioner that although the Petitioner has already approached the Opposite Party No.1-Principal Secretary, Department of Energy, Bhubaneswar by filing representation dated 12.09.2022 under Annexure-10 to the writ petition, but 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 authority concerned to consider the representation of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties and without expressing any opinion on the merits of the case, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.1-Principal Secretary, Department of Energy, Bhubaneswar to consider the representation of the Petitioner dated 12.09.2022 under Annexure-10 to the writ petition 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. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

