

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.436 of 2012

Nirmal Chandra Nayak

....

Petitioner

Mr.Biswabihari Mohanty, Advocate

-versus-

^s

State of Odisha and others

....

Opposite Parties

Mr.S.N.Mohapatra, S.C. for S&ME Deptt

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
18.02.2022**

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for both the parties.
3. The present writ petition has been filed by the Petitioner with a prayer to direct the Opposite Parties to release the post-retiral benefit which has been held up since 31.03.1997, viz. DCRG and commuted value of pension of the Petitioner forthwith within a stipulated time.
4. Learned counsel for the Petitioner submits that he has submitted a representation to the Commissioner-cum-Secretary, School and Mass Education Department, Odisha, Opposite Party No.1 on 15.02.2011 (Annexure-7). He further submits that no action has been taken on the said representation of the Petitioner. The further submission is that the said representation be considered in accordance with law keeping in view the letter dated 13.9.2007 under Annexure-3, order dated 4.4.2007 under Annexure-4 and order dated

19.4.2010 passed in W.P.(C) No.13039 of 2007 under Annexure-6.

5. Learned counsel for the School and Mass Education Department submits that Petitioner is not entitled to the claim made in the writ petition. However he has no objection, if a direction is given to the concerned Authority to consider the representation of the Petitioner which is pending before him.

6. Having heard learned counsel for the parties, this Court disposes of the writ petition with a direction to the Opposite Party No.1 to consider the representation of the Petitioner under Annexure-7 in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of production of certified copy of this order along with the documents referred to hereinabove, i.e. Annexures-3, 4 and 6 of the writ petition. If necessary, Opposite Party No.1 may give opportunity of hearing to the Petitioner and the representation of the Petitioner shall be disposed of by a speaking and reasoned order. Decision thereof shall be communicated to the Petitioner within a period of ten days thereafter.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rule.

(A.K. Mohapatra)
Judge