

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1922 of 2013

Ch. Durgamadhav Prusty

Petitioner

Mr. Biswabihari Mohanty, Advocate

-versus-

State of Odisha and others

.... **Opposite Parties**

Mr.R.N.Mishra, AGA

CORAM:

JUSTICE M.S.SAHOO

ORDER

3.3.2022

Order No.

1. This matter is taken up by hybrid mode.

The Original Application having been transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition, has been registered before this Court on 2.12.2021.

2. On perusal of the available order sheets of the learned Tribunal it is indicated that the matter was never taken up after 10.10.2013.

3. The O.A. was filed in the year 2013 by the applicant/petitioner before the learned Tribunal when he was 56 years of age, working as Assistant Engineer (Civil), Baliguda Block, under the O.P. NO.4-Executive Engineer, Berhampur Irrigation Division, Berhampur, inter alia, seeking a direction for fixation of petitioner's pay as per ORSP Rules, 1985 and ORSP Rules, 1989 and subsequent ORSP Rules in terms of the order passed by the learned Tribunal in the case of Loknath Tripathy v. State of Orissa, 2002 Volume-I ATT-OAT 369.

4. It is further submitted by learned counsel for the petitioner that as per the up-to-date instruction of the petitioner, he has not been granted benefit as sought for in the Original Application and pendency of the litigation for

more than nine years has yielded no result and no counter has yet been filed. It is further submitted that the petitioner may be allowed to move the authorities for redressal of his grievance by making a representation supported by all the relevant documents.

5. Learned AGA submits that due to long lapse of time and for the fact that subsequent pay revisions have taken place, nothing would survive in the present writ petition for adjudication, but any representation that would be made, shall be considered in accordance with law and disposed of in due time.

6. Having heard learned counsel for the parties, the writ petition is disposed of with the following directions :

Petitioner, if so advised, shall make a representation before the appropriate authority enclosing all the documents sought to be relied upon by the petitioner for redressal of his grievance.

The authority shall do well to consider the representation of the petitioner and dispose of the same in accordance with law as expeditiously as possible preferably within a period of four months from the date of communication of certified copy of this order. Authority shall communicate the decision that would be taken within two weeks to the petitioner with proof of acknowledgement.

7. It is clarified that this Court has not expressed any opinion on the merits of the case in any manner whatsoever.

(M.S.Sahoo)
Judge