

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 9 of 2017

Suryakanta Pattnaik

.....

Petitioner

Mr. J. Jena, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. J. Jena, learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The Petitioner has filed this Writ Petition seeking to direct the Opposite Parties to sanction and release the benefits as per revised option exercised by the Petitioner under ORSP Rules, 1985 and 1989 within a stipulated time.

4. Mr. Jena, learned Counsel for the Petitioner contended that the case of the petitioner has already been considered and recommendation has been made vide Annexure-7 dated 14.03.2011 by the Engineer-in-Chief (Civil), Orissa to the Works Department for extension of the benefit to the Petitioner in terms of the judgment passed by the Orissa Administrative Tribunal under Annexure-2, i.e. dated 11.12.2001 passed in O.A. Nos. 2294 of 1999 and 276 cases, which has also been implemented vide Annexure-3 by the Government dated 20.05.2009, where reference has also been made to the said judgment. Consequentially, the Petitioner has complied the same vide Annexures-4, 5 and 6, and as a result of which the Petitioner's case was recommended for consideration to the Government. Thereby, it is contended that if the Petitioner has complied all the conditions as

required for the grant of benefit, there is no justification not to do it as required under law.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that the Petitioner since has approached the authority concerned, the matter may be disposed of directing the authority concerned to pass appropriate order in accordance with law.

6. Having heard learned Counsel for the parties and after going through the record, this Writ Petition stands disposed of directing the Opposite Party No.1 to pass appropriate order on the basis of the recommendation made by the Engineer-in-Chief to the Government for extension of benefit to the Petitioner vide Annexure-7 dated 14.03.2011 taking into account the judgment of the Tribunal under Annexure-1, which has been confirmed in appeal and the consequential order passed by the government under Annexure-3 and the compliance made by the Petitioner under Annexures-4 to 6, as early as possible, preferably within a period of three months from the date of communication of the order.

7. Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI)
JUDGE