

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.3825 of 2012

Ramesh Chandra Mohanty

Petitioner

Mr. J.K. Rath, Advocate

-versus-

State of Odisha and others

..... Opposite Parties

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

22.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State. Perused the Original Application.
3. The present writ petition has been filed with the following prayer:

“Under the above circumstances, it is therefore, humbly prayed that this Hon’ble Tribunal be graciously pleased to direct the opposite parties to treat the petitioner as regular Primary School Teacher with effect from the date the school was taken over by the State Government, i.e. 1.4.1991 as per the orders passed by this Hon’ble Tribunal in O.A. No.610(c) of 1993 decided on 21.04.1993; and to extend all the service benefits to the petitioner as the regular Government Servant with effect from the said date, i.e. 1.4.1991 instead of treating the petitioner as a regular Government Servant with effect from 23.3.2011; and to fix up the pay of the petitioner suitably in accordance with different pay revision rules made by the State Government from time to time; and accordingly release the arrear salary of the petitioner within a time frame.”

4. Learned counsel for the State submits that it not known whether the representation of the Petitioner is still pending before the Authority or not? However, he submits that in the event Petitioner files a fresh representation before the Appropriate Authority, the same shall be considered within a stipulated period of time in accordance with law.

5. Having heard leaned counsel for the Petitioner and keeping in view the fact that the matter is pending since the year 2012, further in the interest of justice, this Court feels it appropriate to direct the Petitioner to file a fresh representation taking all the grounds available to him in law before the Secretary, School & Mass Education Department, Odisha, Bhubaneswar, Opposite Party No.1 within a period of two weeks from today along with certified copy of this order. In the event such a representation is filed by the Petitioner, the same shall be considered and disposed of by the Opposite Party No.1 strictly in accordance with law within a period of two months thereafter by passing a reasoned and speaking order thereon. The decision so taken on the representation shall be communicated to the Petitioner within ten days thereafter.

6. With the above direction, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge