

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30438 of 2022

Brundaban Naik

.... Petitioner
Mr. H.P. Rath, Advocate

-versus-

State of Odisha and others

.... Opposite Parties
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
06.12.2022

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 Standing Counsel 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 graciously pleased to admit this writ petition, issue rule NISI by calling upon the opposite parties to show cause as to why they shall not be directed to allow the scale of pay attached to the post of Surveyor from the date of initial appointment in favour of the petitioner and work out and pay the arrear differential salary, and upon failing to show cause or showing unsatisfactory cause the said rule be made absolute and issue a writ in the nature of mandamus directing the opposite parties to sanction and pay the scale of pay of Surveyor to the petitioner with effect from the initial

date of his joining and release the deferential arrears along with refixation of pension within a stipulated time as would be fixed by this Hon'ble Court.

And pass any other order(s)/direction(s) issue writ/writs as this Hon'ble Court deem fit and proper."

4. It is submitted by learned counsel for the Petitioner that although the Petitioner has filed representation dated 20.07.2017 before the Opposite Party No.1 under Annexure-8, 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 Additional Standing Counsel appearing for the State-Opposite Parties 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 to consider the representation of the Petitioner dated 20.07.2017 under Annexure-8 keeping in view the order dated 11.7.1996 passed by the Chairman, Orissa Administrative Tribunal, Bhubaneswar in Original Application No.2407 of 1993 under Annexure-4 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

