IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.136 of 2017

Dillip Kumar Mohanty .... ***Petitioner***

Mr.Ramdas Achari, Advocate

-versus-

Director of Economics and Statistics and another .... ***Opposite Parties***

Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

Order No. **21.02.2022**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.

3. Perused the records.

4. This writ application has been filed by the Petitioner with the following prayer:

> "The applicant prays before this Hon'ble Tribunal to direct the Opp.Party No.1 to step up the petitioner's pay according to the representation which is pending before him.
>
> And to take necessary action against the Opp.Party for not considering the representations of the petitioner and keeping the matter pending since long and further to direct to consider the representations of the petitioner within stipulated period of time.
>
> And the Hon'ble Tribunal further be pleased to pass any other order as deem fit and proper considering the facts and circumstances of the case."

5. Learned counsel for the Petitioner submits that the writ

application can be disposed of by directing the authorities to take action pursuant to the statement made in the counter affidavit, which is quoted herein below:

> "That the law is well settled that a senior cannot be paid less than that of his junior. As the applicant represented to step up his pay with that of his junior Sri Narendra Kumar Sahoo, Statistical Assistant, after stepping up of pay of Sri Sahoo with Sri Garib Mallick, S.A., steps has already been taken to step-up pay of Sri N.K.Sahoo, S.A. with Sri Mallick, S.A. After finalization of stepping up of pay Sri Sahoo the case of the applicant will be considered. But in spite of knowing the fact, the applicant is placing the fact before the Hon'ble OAT in order to misguide Hon'ble Tribunal."

5. Learned counsel appearing for the State has no objection if a direction is given to expedite the matter and take a decision expeditiously pursuant to the facts stated in the counter affidavit which is quoted herein above.

6. In such view of the matter the writ application is disposed of with a direction to the Opposite Party No.1 to take an early decision in the matter in the light of the statement made in the counter affidavit, preferably within a period of two months from the date of communication of this order and the benefit as admissible to the Petitioner, if not worked out be paid to the Petitioner within a period of one month from the date of such decision.

7. With the aforesaid observation, the writ application is disposed of.

8. Issue urgent certified copy of this order as per Rule.

RKS

(A.K. Mohapatra)
Judge

HIGH COURT
सत्यमेव जयते
ORISSA