

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 30695 of 2022

**B.K.D. Infrastructure Pvt., Ltd.,
Sambalpur**

.....

Petitioner

Mr.P.C.Nayak, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.11.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C.Nayak, learned for the Petitioner and learned Counsel for the State.

3. The Petitioner has filed this Writ Petition seeking direction to Opposite Party No. 6 to reimburse the enhanced differential amount of minimum wages, as enhanced under Annexure-3(series) in view of the Judgment of this Court passed in ***Mahesh Prasad Mishra v. State of Orissa***, 2012 (Suppl.-I) OLR 1035 and ***Sanjaya Jain v. State of Odisha and Orissa*** in respect of the Tender Work for “Construction and Maintenance of Road and CD work under Pradhan Mantri Gram Sadak Yojana (P.M.G.S.Y, Batch-I (2018-19) for the package No-OR-28-287 & LB-21,22,23/Batch-I in the District of Sambalpur vide agreement No.PMGSY-10 (SBP) of 2018-19” or in alternative, Opposite Party No.-6 i.e. Superintending Engineer, Rural Works Division, Sambalpur, may be directed to

dispose of the Representation dated 26.10.2022 under Annexure-4 within a stipulated period.

4. In course of hearing, learned Counsel for the Petitioner states that the Petitioner has already made Representation before Opposite Party No.6-Superintending Engineer, Rural Works Division, Sambalpur vide Annexure-4, and the same may be directed to be disposed of within a stipulated time taking into consideration the ratio decided by this Court in ***Mahesh Prasad Mishra & Sanjaya Jain*** (supra), to which learned Counsel for the State has no objection.

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.6 to consider and dispose of the Representation filed by the Petitioner vide Annexure-4 and pass appropriate Order taking into consideration the ratio decided by this Court in ***Mahesh Prasad Mishra & Sanjaya Jain*** (supra) as early as possible preferably within a period of three months from the date of production of certified copy of this Order.

6. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Subrat

(B. P. SATAPATHY)
JUDGE