

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.4399 of 2011

Gagan Bihari Sahoo

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.10.2022

Order No

02.

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

2. Heard learned counsel for the Petitioner and learned counsel appearing for the Opp. Parties.

3. The Petitioner has filed the present Writ Petition with the following prayer:-

“In view of the facts stated above the applicant prays that the Hon'ble Tribunal may graciously be pleased to declare that the applicant is entitled for payment from the date of retrenchment till he was reappointed and is also entitled to get the benefit of seniority and continuity of service from his date of initial appointment;

And accordingly be pleased to direct the respondents to pay the applicant the salary for the period from 01-04-01 to 30-07-03 and to count the above period for the purpose of seniority.”

4. Learned counsel for the Petitioner further submits that through highlighting his grievances, the Petitioner has filed an application at Annexure-6 to the Writ Petition before the O.P. No. 3 (at present D.E.O., Dhenkanal), but till date nothing has been done in the matter. In such background, learned counsel for the Petitioner

prays that a direction be issued to Opposite Party No. 3 to take a decision on the above noted Petition within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs Opposite Party No. 3 to take a decision on the above noted petition in accordance with law within a period of three (3) months from the date of receipt of this order and communicate the result of such exercise to the Petitioner.

6. It is however observed that while taking such a decision under Annexure-6, O.P. No. 3 shall take into consideration the relevancy of the decision of the Hon'ble Apex Court reported in **(2013) 11 SCC Page 626**, if it is applicable to the case of the Petitioner.

7. The Writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha