

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31428 of 2022

Basanta Kumar Dash

....

Petitioner

Mr. S. Roy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. B.Pr. Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.12.2022

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 counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

 “It is therefore prayed that this Hon’ble Court may graciously be pleased to admit the writ petition and issue Rule “NISI” to the Opp. Parties to show cause as to;

- (i) Why the action of the Opposite parties in not regularizing the services of the petitioner in the facts and circumstances of the case will not be declared as illegal; and
- (ii) Why the Opposite Parties will not be directed to regularize the services of the petitioner for the purpose of pension and other pensionary benefits in the light of the decision of the Hon’ble Apex Court within the stipulated time; and

 And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ/writs and any order order as deem fit be passed;”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 01.12.2021 under Annexure-12 before the Additional Chief Secretary, Department of Water Resources, Bhubaneswar-Opposite Party No.1, 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 counsel for the State submits that he has no objection, if a direction is given to the Additional Chief Secretary, Department of Water Resources, Bhubaneswar-Opposite Party No.1 to consider the representation of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to Additional Chief Secretary, Department of Water Resources, Bhubaneswar-Opposite Party No.1 to consider the representation of the petitioner dated 01.12.2021 under Annexure-12 in accordance with law within a period of two months 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. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

