

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31543 of 2022

Haribala Nanda

....

Petitioner

Mr. R. Roy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. N.K. Praharaj, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

25.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State-Opposite Parties.
3. The Petitioner has filed the present writ petition with the following prayer:-

“In view of the above stated facts and circumstances, this Hon’ble Court may graciously be pleased to issue Rule NISI calling upon the Opp. Parties to show cause as to why necessary directions shall not be issued to regularize the service of the Petitioner in the post of Night Watcher (Class-IV) or in any Class-IV post lying vacant in the office of the Panchayat Samiti, Attabira in the District of Bargarh with all consequential service benefits;

And if the Opp. Parties fail to show cause or show insufficient cause this Hon’ble Court may make the said rule absolute by issuing a writ of mandamus directing the Opp. Parties to regularize the services of the Petitioner in the post of Night

Watcher (Class-IV) or in any Class-IV post lying vacant in the office of the Panchayat Samiti, Attabira in the District of Bargarh with all consequential service benefits;

And further be pleased to issue any other appropriate writ/writs, rule/rules or order/orders, direction/directions as may be deemed fit and proper in the interest of justice.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner wants to make a fresh representation before the authority concerned with a direction from this Court to the authority to consider the case of the Petitioner within a stipulated period of time.

5. Learned counsel for the State-Opposite Parties submits that he has no objection if the Petitioner is permitted to file a fresh representation before the authority concerned with a direction to the authority concerned to consider the representation of the Petitioner in accordance with law within the stipulated period of time.

6. Considering such submission and without expressing any opinion on the merit of the case, this Court disposes of the writ petition permitting the Petitioner to make a fresh representation before the Opposite Party No.2 within a period of two weeks from today and in the event such representation is filed before the Opposite Party No.2, the Opposite Party No.2 shall do well to consider and dispose of the same by passing a speaking and reasoned order keeping in view the law laid down by the Hon'ble Supreme Court in the cases of ***Secretary, State of Karnataka -v.- Uma Devi, reported in (2006) 4 SCC 1*** and ***State of Karnataka -v.- M.L. Kesari, reported in (2010) 9 SCC 247*** as well as by this Court in case of ***Basanta Kumar Barik -v.- State of Odisha and others*** (WPC(OA) No.616 of 2017 decided on 26.11.2021) within a period of eight weeks from the date of filing of such

representation and the decision thereof so taken shall be communicated to the Petitioner within two weeks thereafter.

(A.K. Mohapatra)
Judge

Debasis

