

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.1358 of 2019

Sailendranath Rath

.... Petitioner

-versus-

State of Odisha

.... Opposite Party

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
11.10.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State- Opposite Party.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) To issue appropriate direction to the respondents to grant annual periodical increments w.e.f. 2008 onwards in favour of the applicant and to fix his pay under ORSP Rules, 2017 within a period stipulated by the Hon’ble Tribunal.

(ii) To further direct the respondents to release the arrear salary in favour of the applicant forthwith by declaring that the action of the State respondents in denying the regular salary to the applicant for want of budgetary provision / allocation of funds as well as subsistence allowance for the period for which the applicant is under suspension to be violative of the right to life and accordingly illegal and unconstitutional and also the respondents may be directed to release all the financial arrear benefits without making any further delay.

(iii) To grant any relief/ reliefs as deemed fit and proper”.

4. Considering the submission made and without expressing any opinion on the merits of the case, the Petitioner is directed to make fresh representation before the Opposite Party No.4 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three (3) weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, the Opposite Party No.4 shall do well to dispose of the representation in accordance with law within a period of 3 (three) months. The decision so taken by the Opposite Party No.4 be communicated to the Petitioner within that time.

6. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat