

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 31732 of 2022

Gajendra Prasad Panda

.....

Petitioner

Mr.A. Pattnaik, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

Mr.P.P.Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A.Pattnaik, learned counsel for the Petitioner and Mr. P. P. Mohanty, learned Additional Government Advocate.

3. The Petitioner has filed this Writ Petition seeking direction to Opposite Party No.3 to reimburse the enhanced differential amount of minimum wages, as enhanced from Annexure-2 on the basis of the formula given under Annexure-3 and in view of the Judgment of this Court passed in *Mahesh Prasad Mishra v. State of Orissa*, 2012 (Suppl.-I) OLR 1035 under Annexure-4 in respect of the Tender Work for “Improvement to Road & CD works (Including maintenance) under (PMGSY Batch-III) in the District of Gajapati for the Package No.OR-10-250/Batch-III (2016-17), Name of the Road:-PWD road to Karchabadi (PWD Road to Budringi) vide Agreement No.OR-10-EEM-12/2017-18 PMGSY” or in alternative, Opposite Party No.3 i.e. Executive Engineer, Rural Works Division, Gajapati may be directed to dispose of the Representation dated 02.11.2022 under Annexure-5 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.3-Executive Engineer, Rural Works Division, Mohana, Gajapati vide Annexure-5, 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*** (supra) vide Annexure-4, 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.3 to consider and dispose of the Representation filed by the Petitioner vide Annexure-5 and pass appropriate order taking into consideration the ratio decided by this Court in ***Mahesh Prasad Mishra*** (supra) under Annexure-4 as earlier 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

Ashok/Subrat

(B. P. SATAPATHY)
JUDGE