

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32055 of 2022

Braja Kishore Nayak and others ***Petitioners***
Mr. S.P. Swain, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr. N.K. Praharaj, AGA

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
29.11.2022

Order No.

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

“It is therefore prayed that your Lordship would be pleased to:

- i) Allow this Writ Petition.*
- ii) Issue Rule NISI, asking the Opp. Parties to show cause as to why they shall not be directed to grant minimum pension in favour of the petitioners by adding so much period of service from Gram Panchayat Secretary with their regular service of V.L.W. and release the pension and pensionary benefits along with 18% interest and all consequential benefits in accordance the ratio decided vide Annexure-3 & 4 and decision reported in 2018 (II) ILR-CUT-221*

and if the Opposite Parties do not show cause or show insufficient cause, then issue a writ of mandamus in nature, thereby directing to the concerned Opp. Parties to grant minimum pension in favour of the petitioners by adding so much period of service from Gram Panchayat Secretary with their regular service of V.L.W. and release the pension and pensionary benefit along with 18% interest and all consequential service benefits in accordance with the ratio decided vide Annexure-3 & 4 and all decision reported in 2018 (II) ILR-CUT-221 within a stipulated period.

iii) And/or pass in order(s), direction(s), as this Hon'ble Court deem fit and proper."

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.1 within a period of two weeks from today and in the event such representation is filed before the Opposite Party No.1, the Opposite Party No.1 shall do well to consider the same taking into consideration Annexures-3 and 4 and the decision reported in 2018 (II)

ILR-CUT-221 in accordance with law by passing a speaking and reasoned order 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

