

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33282 of 2022

Gopal Charan Das and others

....

Petitioners

Mr. S.P. Swain, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.12.2022

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 in the case of State of Odisha and*

others v. Niranjana Biswal, 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 in the case of State of Odisha and others vs. Niranjana Biswal 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 Petitioners that the Petitioners want to make a fresh representation before the authority concerned with a direction from this Court to the authority to consider the case of the Petitioners within a stipulated period of time.

5. Learned counsel for the State-Opposite Parties submits that he has no objection if the Petitioners are permitted to file a fresh representation before the authority concerned with a direction to the authority concerned to consider the representation of the Petitioners 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 Petitioners 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 of this Court in the case of *State of Odisha and others vs. Niranjana Biswal*, 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 Petitioners within two weeks thereafter.

(A.K. Mohapatra)
Judge

Debasis

