

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.33779 of 2022

Rama Chandra Mahakud

.....

Petitioner

Mr. A. Pattanaik, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

Mr.P.P. Mohanty, A.G.A

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.12.2022

Order

No.

1.

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 “Construction & Maintenance of Rural Roads & CD works under the Normal PMGSY (Pradhan Mantri Gram Sadak Yojana) Batch-1 (Philin) for the package No.OR-02-348/B-I UG of 2016-17 (Name of the Road Bidu- to Jaynagar) in the district of Balasore vide Agreement No.04 P1 PMGSY of 2016-17” or in alternative, Opposite Party No.3 i.e. Superintending Engineer, Rural Works Division-II, Balasore may be directed to dispose of the Representation dated 21.10.2022 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- Superintending Engineer, Rural Works Division-II, Balasore 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

(B. P. SATAPATHY)
JUDGE

