

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33872 of 2022

Sri Prakash Chandra Baral

....

Petitioner

Mr. D. Mishra, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
19.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Sri Prasanna Kumar Parhi, learned Deputy Solicitor General of India enters appearance on behalf of the Union of India by filing a Memo of Appearance in Court today. The same be kept on record.
3. Heard learned counsel for the Petitioner and learned Deputy Solicitor General of India appearing for the Union of India.
4. The Petitioner has filed the present writ petition with the following prayer:-

“Under the aforesaid facts and circumstances, it is, therefore, prayed that this Hon’ble Court may be graciously pleased to issue a ‘Rule-Nisi’ calling upon the Opposite Parties to show-cause as to why a writ in the nature of mandamus or any other appropriate writ or writs shall not be issued holding the compassionate appointment to be regular one consequentially directing the Opposite Parties to regularize the services of the petitioner with effect from the date of initial appointment and consequently directing the Opposite Parties to grant regular scale of pay along

with all allowances as due and admissible and further direct the Opposite Parties to impart the arrear salary within a time to be stipulated by this Hon'ble Court and if the Opposite Parties fail to show cause or show insufficient cause make the said rule absolute.

AND

Pass such other order/orders and/or writ/writs as this Hon'bel Court may deem fit and proper."

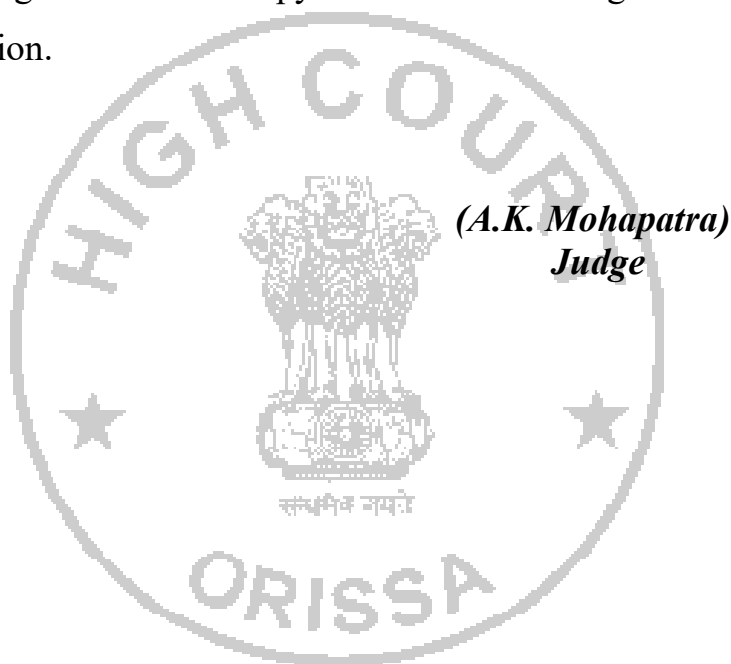
5. It is submitted by the learned counsel for the Petitioner that the Petitioner wants to make a fresh representation before the authority concerned with a direction from this Court to the authority to consider the case of the Petitioner within a stipulated period of time.

6. Learned Deputy Solicitor General of India appearing for the Union of India 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.

7. 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.2 within a period of two weeks from today and in the event such representation is filed before the Opposite Party No.2, the Opposite Party No.2 shall do well to consider the same in accordance with law by passing a speaking and reasoned order within a period of two months from the date of filing of such representation and the decision thereof so taken shall be communicated to the Petitioner within two weeks thereafter.

8. As this stage, it is submitted by the learned counsel for the Petitioner that the arrear dues of the Petitioner has not been paid to him as of now. Considering such submission, the Petitioner is directed to take such ground before the authority concerned which shall be considered by the authority and in the event it is found that some amount is due and admissible and has not been paid to him, the same shall be paid to him within a period of four weeks from the date of production of certified copy of this order.

9. Urgent certified copy of this order be granted on proper application.



Debasis