

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34395 of 2022

Bhagaban Jena

.... ***Petitioner***
Dr. J.K. Lenka, Advocate

-versus-

State of Odhsa and others

.... ***Opposite Parties***
Mr. B.Pr. Tripathy, A.S.C.

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

21.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“The Petitioner, therefore, most humbly prays that Your Lordships would be graciously pleased to issue Rule Nisi calling upon the Opposite Parties to show cause, and as to why the Opposite Parties should not be directed to regularize the services of the Petitioner before his retirement and allow pensionary benefits from 01.05.2022 and sanction and pay the gratuity and retiral benefits with pension within a reasonable period,

And issue any other writ/writs or direction/directions as would be necessary in the interest of justice;

And if the Opposite Parties fail to show cause or insufficient cause, the rule be made absolute.’

4. In course of hearing, learned counsel for the Petitioner submits that the Petitioner may be permitted to file a fresh representation ventilating his grievance before the Principal Secretary to Government,

Water Resources Department, Bhubaneswar-Opposite Party No.1 which may be considered within a stipulated period of time in accordance with law.

5. Learned counsel for the State on the other hand submits that he has no objection if permission is granted to the Petitioner to file the representation before the Opposite Party No.1 and the same is considered and disposed of in accordance with law.

6. Considering the aforesaid submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim before the Principal Secretary to Government, Water Resources Department, Bhubaneswar-Opposite Party No.1 within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, the same shall be considered strictly in accordance with law within a period of two months from the date of receipt of the representation in the light of law laid down by the Hon'ble Supreme Court in the case of *Narusu Pradhan* in *SLP No.22498 of 2012* as well as this Court in the case of *Bijaya Kumar Sahoo vrs. State of Odisha and others (W.P.(C) No.5900 of 2022 decided on 08.03.2022)*. The same shall be considered and disposed of by passing a speaking and reasoned order within aforesaid time stipulated. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

7. With the aforesaid observation/direction, the writ petition stands disposed of.

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

