

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34737 of 2022

Akshya Kumar Bhoi & others ***Petitioners***
Mr. Trilochan Nanda, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr. B.P.Tripathy, A.G.A.

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. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The Petitioner has filed this writ petition with the following prayer :

“It is therefore prayed that this Hon’ble Court may graciously be pleased to consider the facts stated in the writ petition, admit the same, issue Rule NISI calling upon the Opp.Parties to show cause:-

- i) Why the service period of the Petitioners who are working as Constables under the OAPF shall not be counted from 2010 as regular employees and why the annual increment shall not be granted to the Petitioners by taking into account the Notification No.31968 dated 14.11.2022 issued by the General Administration and Public Grievance Department, Government of Odisha;
- ii) Why the arrear dues for the gap period i.e. from 10.60.2013 to 01.02.2014 (from the date of the order of regularization to the date of joining) shall not be granted and released in favour of the

Petitioners;

- iii) Why the aforementioned financial benefits shall not be extended to the Petitioners by the Opp.Parties within a stipulated time.

If the Opp.Parties fail to show cause or show insufficient cause then the rule may kindly be made absolute;

And/or pass any other order/orders, direction/directions, writ/writs as this Hon'ble Court may deem just and proper."

4. In course of hearing, learned counsel for the Petitioners submits that the Petitioners may be granted liberty to file a fresh representation ventilating their grievance before the Director General of Police, Odisha Police-Opposite Party No.2, which may be considered within a stipulated period of time in accordance with law.

5. Learned Additional Government Advocate for the State on the other hand submits that he has no objection if liberty is granted to the Petitioners to file a fresh representation before the Opposite Party No.2 and the same is considered and disposed of in accordance with law.

6. In view of the aforesaid limited nature of grievance of the petitioner, this Court disposes of the writ petition granting liberty to the Petitioners to file a fresh representation before the Director General of Police, Odisha Police-Opposite Party No.2, ventilating their grievance within a period of two weeks. If such a representation is filed within the time stipulated, the same shall be considered and disposed of by the said Opposite Party No.2 in accordance with law within a period of six weeks from the date of filing representation taking into consideration the Notification dated 14.11.2022 under Annexure-5 and the decision so taken on the representation of the petitioner shall be communicated to him within two weeks thereafter. While considering the representation the Opposite Party No.2 shall keep in mind that similar benefit has also been extended to similarly

situated persons.

7. With the aforesaid observation the writ application stands disposed of.

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

(A.K. Mohapatra)
Judge

RKS

