

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 35042 of 2022

Nabakishore Bhanja

.... ***Petitioners***
Mr. S.K.Mishra, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
22.12.2022

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 Standing Counsel appearing for the State-Opposite Parties.
3. The Petitioners have filed the present writ petition with the following prayer:-

*“Under the above circumstances, it is therefore humbly prayed that this Hon’ble may be graciously pleased to direct the Opposite Parties to release the Pension of the Petitioner from 01.08.2016 and other pensionary benefits with the interest @ 10% per annum in view of the decision of this Hon’ble Court dated 30.08.2018 in the case of **State of Odisha and others –v.- Niranjana Biswal** passed in **W.P.(C) No.6257 of 2018** confirmed by the Hon’ble Apex Court in **SLP No.28065 of 2019** disposed of on 18.05.2022.*

And further this Hon’ble Court be pleased to direct the Opposite Parties to release the arrear

pension thereof in favour of the Petitioner, failing which the Petitioner will be highly prejudiced.

And/or pass any other appropriate writ/writs, order/orders and direction/directions in the fitness of the case;

4. 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.

5. Learned counsel for the State-Opposite Parties 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.

6. 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.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 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 Petitioner within two weeks thereafter.

(A.K. Mohapatra)
Judge