

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41389 of 2021

Siba Prasad Das

.... ***Petitioner***
Mr. S.B. Jena, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
18.04.2022

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:-

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to issue a writ of mandamus by directing the authorities to regularize the service of the petitioner with effect from the date of initial appointment and include them for grant of GPG benefit.

And further be pleased to issue a writ of mandamus directing the Opp. Party No.3 to count their services for

pension and other retiral benefits as per decision of Hon'ble Supreme Court.

And further be pleased to direct the Opp.Parties to grant all consequential service benefits to the petitioner.”

4. It is submitted by learned counsel for the Petitioner that pursuant to direction of this Court, the authorities have regularized the service of the petitioner. However, the petitioner service has been regularized w.e.f. from the date of initial appointment. However, he further alleged that similarly situated persons, namely, Santosh Kumar Behera, Sukanta Kumar Dash, Prasanta Kumar Biswal, Durga Charan Murmy and Mihi Ranjan Parija have been regularized with effect from their initial appointment by the Opposite parties and they have not included receiving GPF benefit. It is further submitted by learned counsel for the petitioner that he has filed a representation dated 21.10.2021 before the Principal Secretary, Revenue and Disaster Management, Bhubaneswar-Opposite Party No.1, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel appearing for the State submits that since the representation of the petitioner is pending, he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, this Court disposes of the writ petition at the stage of admission with a direction to the Principal Secretary, Revenue and

Disaster Management, Bhubaneswar-Opposite Party No.1 to consider the representation of the Petitioner dated 21.10.2021 under Annexure-9 in accordance with law within a period of two months from the date of production of certified copy of this order. Further, it is directed that the representation of the petitioner along with letter dated 02.08.2021 under Annexure-8 shall also be taken into consideration that the similarly situated persons have already been regularized from the date of their initial appointment and the case of the petitioner shall be considered in the light of the similarly situated persons. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. Any decision taken on the same shall be communicated to the petitioner within a period of two weeks thereafter.

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

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

(A.K. Mohapatra)
Judge