

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16659 of 2023

Indian Railway Employees ***Petitioner***
Committee For Movement For Old
Pension Scheme (IRMOPS),
Dhenkanal

Mr. P.K. Mishra, Advocate

-versus-

Union of India & another ***Opposite Parties***
Mr. P.K. Parhi, DSGI
along with Mr. Manoj Pati, CGC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.05.2023

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 Deputy Solicitor General of India along with Central Government Council for the Union of India-Opposite Parties.
 3. The Petitioner has filed the present writ application with the following prayer:

“The Petitioner therefore, most humbly pray that this Hon’ble Court may be graciously pleased to issue Rule NISI, calling upon the Opp. Parties more particularly Opp. Party No.2 to show cause as to why writ in the nature of mandamus shall not be issued

directing the Opp. Parties to extend the provisions of the Gazette Notification No.CG-DL-E31032021-226276 vide DOP & PWs' Notification dated 30.03.2021 to the Railway Servants and Fixed Medical Allowances (FMA) to Retd. Railway Pensioners as described in Annexure-1 or alternatively direct the Respondent No.2 to consider the Representation/ Request Letter under Annexure-2;

And if the Opp. Parties fail to show-cause or show insufficient cause, make the said Rule absolute;

And may further be pleased to pass any other order(s) as deemed fit and proper."

4. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the Chairman and Chief Executive Officer, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-Opposite Party No.2 on 02.05.2023 under Annexure-2. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.2 to consider the representation of the Petitioner under Annexure-2 within a stipulated period of time.

5. Learned Deputy Solicitor General of India submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.2, which is stated to be pending, in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party No.2 to consider the representation of the Petitioner under Annexure-2 within a period of two months from the date of production of certified copy of this order. The Opposite Party No.2 shall do well to dispose of the representation of the

Petitioner under Annexure-2 by passing a speaking and reasoned order. Further, it is made clear that it is open to the Opposite Party No.3 to provide an opportunity for personal hearing. In the event, the necessity is so failed by Opposite Party No.3 before taking a final decision in the matter.

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

8. Issue urgent certified copy of this order as per Rules.

Anil



Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 21-May-2023 10:53:10

