**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 30090 of 2024**

***Chakradhar Mohanty*** ..... ***Petitioner(s)***

*Mr. Basudev Barik, Adv.*

*-Versus-*

***State of Odisha & Ors.*** ..... ***Opposite Parties***

*Ms. Gayatri Patra, ASC*

**CORAM:**
**DR. JUSTICE S.K. PANIGRAHI**

**ORDER**

**23.12.2024**

**Order No.**

02. 1. This matter is taken up through a hybrid arrangement.

2. Heard learned counsel appearing for the Petitioner as well as the learned Additional Standing Counsel for the State-Opposite Parties. Perused the Writ Petition as well as the documents annexed thereto.

3. The present Writ Petition has been filed by the Petitioner with the following prayer:

> "It is therefore prayed that this Hon'ble Court may graciously be pleased to admit the writ application, and issue notice to opp parties as to why the case shall not be allowed and after hearing parties may kindly be directed to the opp parties to brought over the service of husband of the petitioner in work charged establishment w.e.f 02.09.1993 at par with partly affected persons instead of 06.09.2003 with all consequential

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benefits within framed by the Hon'ble Court as the petitioner is fully displaced person.

And further to direct the opp parties to bring the service of husband of the petitioner in work charged establishment w.e.f 02.09.1993 at par with partly affected person instead of 06.09.2003 with consequential benefits in the light of the direction of this Hon'ble Court as well as Hon'ble Apex Court of India in stipulated time.

And pass any other order/orders, direction/directions as this Hon'ble Court would be deem fit and proper as facts and circumstances of the case."

4. It is submitted by the learned counsel for the Petitioner that earlier 39 persons approached the Tribunal to bring over them to the work charged establishment w.e.f. 02.09.1993 instead of 06.09.2003. The Tribunal after hearing the applicants in O.A. No.1117(C) of 2011 directed the authorities to bring over the applicants to the work charged establishment w.e.f. 02.09.1993 at par with partly affected persons instead of 06.09.2003. The order of the Tribunal was assailed before this Court by the State-Opposite Parties by filing W.P.(C) No.14980 of 2018 which was disposed of by a Division Bench of this Court on 11.07.2022 affirming the order of the Tribunal and further directing the Opposite Parties to bring over the applicants to the work charged establishment w.e.f. 02.09.1993 at par with partly affected persons.

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5. It is further stated that such judgment of the Division Bench was assailed before the Hon'ble Supreme Court, however, the SLP filed by the State bearing SLP (Civil) Diary No.12880 of 2023 has been dismissed on 03.07.2023 on the ground of delay. Thus, the judgment passed by this Court as well as the Tribunal has attained finality. Learned counsel for the Petitioner at this juncture further contented that the Petitioner stands in a similar footing with the persons who are the applicants before the Tribunal and judgment in the said case has been upheld by a Division Bench of this Court as well as the Hon'ble Supreme Court. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner is also entitled to be extended with such benefits that have been given to one Pramod Chandra Das and others who were the applicants before the Tribunal. Accordingly, he has approached this Court by filing the present writ application for a direction to the Opposite Parties to treat the Petitioner at par with the above named Pramod Chandra Das, the Petitioner is W.P.(C) No.14980 of 2018.

6. Learned Additional Standing Counsel, on the other hand contended that the Petitioner has approached this Court directly without approaching the Departmental Authorities.

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She further contended that in the event the Petitioner approaches the Opposite Parties by filing a detailed representation along with a copy of the order passed by the Tribunal as well as by a Division Bench of this Court and the Opposite Parties to consider the same strictly in accordance with law, then he will have no objection to the same.

7. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the background facts of the present case as well as keeping in view the limited nature of the grievance, this Court deems it proper to dispose of the writ application at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.2 by filing a fresh and detailed representation along with all supporting documents as well as the judgments referred to hereinabove. In the event, the Opposite Party No.2 shall do well to consider the case of the Petitioner in the light of the law laid down in Pramod Chandra Das's case (supra) and eventually, if the Opposite Party No.2 comes to a conclusion that the Petitioner stands in a similar footing with Shri Pramod Chandra Das, then similar benefits be extended to the Petitioner as has been granted to the above

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named Pramod Chandra Das and others. Without taking a ground that the Petitioner was not an applicant before the Tribunal along with the above named Pramod Chandra Das. The aforesaid exercise be concluded within a period of two months from the date of communication of a certified copy of this order. The final decision so taken be communicated to the Petitioner within two weeks thereafter.

8. With the aforesaid observations/ directions, the writ application stands disposed of.

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

***( Dr. S.K. Panigrahi)***
***Judge***

***Murmu***

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