

(2024) 02 OHC CK 0256

In the Orissa High Court

Case No : Writ Petition (C) No. 4108 Of 2024

Prakash Mahakud

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 28-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0256

Hon'ble Judges : A.K. Mohapatra, J

Bench : Single Bench

Advocate : K.C.Sahu, D. Mohapatra, S.K.Patra

Final Decision : Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State-Opposite Parties and Mr. S.K. Patra, learned Standing Counsel for A.G., Odisha. Perused the writ petitioner as well as the documents annexed thereto.
3. The Petitioner has filed this writ petition with the following prayer :
" It is, therefore, prayed that the Hon'ble Court be pleased to allow this writ petition by directing the Opp.Paries to continue in the existing GPF account No.MJ(O) 54645 by making subscription in his account regularly with all consequential service benefits so also treating her service and governing under the old O.C.S.(Pension) Rules 1992 & GPF(O) Rules with all consequential service benefits for the interest of justice.
And may pass any other Writ(s), Direction(s), Oder(s) as this Hon'ble Court may be deemed fit and proper."
4. In course of hearing, learned counsel for the Petitioner submits that the

Petitioner may be granted liberty to file a fresh representation ventilating her grievance before the Chief District Medical & Public Health Officer, Subarnpur and Principal Accountant General (A & E), Odisha, Opposite Party Nos.4 & 5 which may be considered within a stipulated period of time in accordance with law.

5. Learned Additional Standing Counsel for the State on the other hand submits that he has no objection if liberty is granted to the Petitioner to file a fresh representation before the Opposite Party No.4 & 5 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 Petitioner to file a fresh representation before the Chief District Medical & Public Health Officer, Sonepur and Principal Accountant General (A & E), Odisha, Opposite Party Nos.4 & 5 ventilating her 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.4 & 5 in accordance with law taking into account the order passed by the Tribunal in O.A.No.805 of 2015 in Aswini Kumar Panda-v.State of Odisha and others, which has been affirmed by the Division Bench of this Court in W.P.(C) No.38625 of 2020 vide order dated 19.04.2022 and eventually the same has been affirmed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.14632 dated 03.07.2023 by passing a speaking and reasoned order, within a period of eight weeks from the date of filing representation. The decision so taken on the representation of the petitioner be communicated to the Petitioner within 10 days thereafter.

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

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

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