

02. 18.11.2020

This matter is taken up through Video conferencing.

Heard Mr. S. Mohanty-1, learned counsel for petitioner.

Taking this Court to the factual aspect involved in this Writ Petition, Mr. Mohanty, learned counsel for petitioner submitted that the VSS application having been accepted petitioner was superannuated from service and consequently, petitioner was relieved from service from 7.07.2003. It is, for non-release of the dues in favour of the petitioner, petitioner was compelled to file Writ Petition bearing no.5341 of 2006, which writ petition was disposed of with a liberty to the petitioner to file a representation before the O.P.1 therein and as a consequence of which there was also direction to consider the request of the petitioner and also steps, as required, would be taken for disbursement of the benefits and the entire action was directed to be completed within a period of six months. It is, for noncompliance of the direction of the High Court in W.P.(C) No.5341 of 2006, petitioner was again compelled to file another Writ Petition bearing no.17112 of 2009, which matter appears to have been disposed of by the order vide Annexure-9 along with several other Writ Petitions thereby ultimately remitting the matter to the O.P.1 therein to consider the representation of the petitioner afresh and with clear direction to grant the benefit granted to the petitioner involving W.P.(C) No.11333 of 2003 and W.P.(C) No.15 of 2006 disposed of on 9.07.2010 also to the

petitioner. It is alleged that consequent upon which, vide Annexure-10 (series) the Principal Secretary to Government, Department of Public Enterprises has passed a rejection order on the representation of the petitioner whereafter the petitioner was waiting for an outcome in similar matter pending before the Hon'ble apex Court and it is only after the matter involving similar issues being disposed of by the Hon'ble apex Court in 2017 S.L.P. (C) No.18815 of 2011, petitioner is constrained to challenge the order, that has been passed by the Government of Odisha Department of Public Enterprises on 7.12.2013 at Annexure-10 (series). Considering the explanation of delay in challenging the order dated 7.12.2013 borne through para-20 and the submission of learned counsel for petitioner, this Court is inclined to entertain this matter and directs for issuance of notice on the question of admission.

Since the opposite party nos.1 & 2 will be represented by the learned State Counsel, no notice be issued to them. Let two extra copies of the brief be served on the learned State Counsel by 20th of November, 2020.

Since Mr. Sidheswar Mohanty, learned counsel usually accepts notice on behalf the O.P.3 in similar cases, petitioner is at liberty to serve an extra copy of the brief on Mr. Sidheswar Mohanty, learned counsel by 20th of November, 2020, or take out notice on O.P.3 by filing requisites through Speed Post with A.D. or Registered Post with A.D. also within the time stipulated hereinabove.

Counter affidavit, if any, shall be filed with service of copy thereof on the learned counsel for petitioner within a period of two weeks from the date of receipt of the notice. Rejoinder affidavit, if any, thereto shall be filed with service of copy thereof on the learned counsel for respective opposite parties, within a period of two weeks thereafter.

List this matter on 16th of December, 2020.

Petitioner may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notification No.4587 dated 25.3.2020.

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Biswanath Rath, J.

