

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20982 of 2012

Babaji Charan Mohanty

.....

Petitioner

Mr. S. Behera, Advocate

Vs.

State of Orissa & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

25.03.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. Behera, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition assailing the order dated 18.05.2012 passed in O.A. Nos.3023(C) of 1999 and 2136(C) of 2004, by which the Orissa Administrative Tribunal disposed of the said O.As. with observation that the petitioner had already been discharged from service with effect from 23.02.1988 and was not on rolls of the School when the school was considered for take over as per resolution dated 12.05.1992 and hence as the services of the petitioner were not taken over by the Government at any point of time, the Government cannot be liable for compensating the petitioner even if he was acquitted on a subsequent date and held that the petitioner cannot be eligible for recruitment in a Govt. School nor be eligible for pension as a Govt. Servant.

4. Having heard learned counsel for the parties and after going through the records, it appears that admittedly the petitioner was rendering service in an unaided school and he was involved in a criminal case and was convicted. Thereafter, he was acquitted of the criminal charges leveled against him. By the time the school was taken over, he was not on the rolls of the school. Therefore, the tribunal is justified in passing the order dated 18.05.2012 in O.A. Nos.3023(C) of 1999 and 2136(C) of 2004.

5. In view of such position, this Court is not inclined to interfere with the order dated 18.05.2012 passed by the Orissa Administrative Tribunal in O.A. Nos. 3023(C) of 1999 and 2136(C) of 2004. Accordingly, the writ petition merits no consideration and the same is dismissed by upholding the decision of the tribunal.

Alok/Bichi

