

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18896 of 2008

Rajesh Kumar Bisoyi

....

Petitioner

Mr. S. Pattnaik, Advocate

-versus-

State of Orissa & Others

....

Opposite Parties

Mr. S.N. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

14.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the Opposite Parties.
3. The petitioner who, was working as a Field Assistant under Opposite Party No.3, has approached this Court inter, alia on the ground that by the impugned order dated 29.10.2007 at Annexure-7(A), by which in obedience to the direction passed by this Court in W.P.(C) No.10205 of 2007, the prayer of the petitioner for regularization of service was rejected.
4. It is the further grievance of the petitioner that for the period he has admittedly worked under the Opposite Party No.3, the duty pay attached to the post has not been released.
5. Controverting to the allegations made, a counter affidavit has been filed by the Deputy Secretary to Government, ST & SC Development, M&BCW Department. In paragraph-13 of the counter, the following stand has been taken by the authorities which

has a bearing on the point at issue and is quoted hereunder for convenience of ready reference.

“13. That, in reply to the averments made by the petitioner in Para-9 of the writ petition, it is humbly submitted that the claim of the petitioner in this para is baseless. The petitioner was not allowed to continue in his service after the order dated 08.11.2007 under Annexure-11. In absence of any fund allocated to a non-sanctioned post, the salary of the petitioner for the period w.e.f. 07.07.2005 could not be paid to him. However it is not a fact that the petitioner is continuing against the said post even after the order under Annexure-9. A perusal of the representation of the petitioner, it reveals that the grievance of the petitioner only centres around sanction and disbursement of his duty pay w.e.f. 07.07.2004 onwards.”

6. On perusal of the said paragraph, it has come to the fore that though the petitioner had continued up to 08.11.2007, the duty pay with effect from 07.07.2004 till 08.11.2007 has remain unpaid.

7. Taking note of the same and keeping in view that the grievance of the petitioner falls within a narrow compass, this Court is persuaded that interest of justice would be subserved, if the Opposite Parties are directed to pay the emoluments of the petitioner as due and admissible for the period from 07.07.2004 to 08.11.2007 within a period of two months from the date of receipt/production of the copy of this order.

8. Accordingly, the Writ Petition stands disposed of.

(V. NARASINGH)
Judge

Ayesha