

IN THE HIGH COURT OF ORISSA AT CUTTACK
O.J.C. No.956 OF 2001

Biswajeet Jena and others ***Petitioner(s)***
M/s.S.K.Ray,Adv.

-versus-

State of Orissa and others ***Opposite Party(s)***
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
16.11.2022

Order No.

10.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer:-

“It is therefore prayed that this Hon’ble would graciously be pleased to:

 - (a) *Admit the writ application.*
 - (b) *Issue Rule NISi thereby asking the opp. Parties as to why resolution No.3880 dated 4.2.94 vide Annexure-4 shall not be quashed and the opp. Parties do not show cause and show insufficient cause then issue a writ of certiorari thereby quashing the same allowing the petitioners to get the regular revised scale of pay w.e.f.1.5.1989 on the basis of resolution No.11240 dated 18.12.1992.*
 - (c) *To declare the resolution dated 2.7.2006 under Annexure-10 retrospective effect of Revised Scale of Pay, 1989 to the petitioners by releasing within a stipulated per*
And/or passed an appropriate order/orders this Hon’ble court deem think fit and proper.
And for this act of kindness, the petitioners as in duty bound shall ever pray.”

3. In course of hearing referring to a judgement of this Court in the case of ***Prabira Kumar Biswal vrs. State of Orissa*** involving *O.J.C. No.10096 of 2001* disposed of on 16.09.2010 and order being challenged by the State being confirmed in the Hon'ble Apex Court involving *SLP (CC) No.4591 of 2012* which was dismissed on 20.04.2012 and further development involving such judgment in the implementation of such direction of the High Court in the similar situated cases vide Annexure-2 to the additional affidavit, parity being claimed, matter was directed to be examined by the State Counsel. There is no dispute at the Bar that the judgment cited hereinabove has also the application to the case of the Petitioners.

4. In the circumstance this Court allows the Writ Petition and directs the competent authority to consider the relief part involving the Petitioners strictly in terms of the direction in case of ***Prabira Kumar Biswal vrs. State of Orissa*** (*supra*) and confirmed in the SLP indicated hereinabove by working out the release of benefits at least within a period of two months from the date of communication of this order by the Petitioners.

5. The Writ Petition stands disposed of.

(Biswanath Rath)
Judge

Swarna