

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17089 of 2010

Santosh Kumar Panda

....

Petitioner

Mr. M.K. Rajguru, Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. S.N. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard Mr. M.K. Rajguru, learned counsel for the petitioner and Mr. S.N. Pattnaik, learned Additional Government Advocate for the Opposite Party No.1 and 2.
3. There is no appearance on behalf of the contesting Opposite Party Nos.3 and 4.
4. The petitioner joined the service as an Octroi Tax Sarakar of NAC Bellaguntha, Dist- Ganjam on 01.05.1993 and as per Council Resolution No.3 dated 25.04.1997 of the said NAC, the petitioner was promoted to the rank of Octroi Tax Sarakar in the time scale of pay with usual DA and other allowances as sanctioned. It is stated that petitioner is continuing as such.
5. It is the grievance of the petitioner that he is not being extended 6th Pay Commission and his salary and increment is not being paid in terms of the recommendation of 6th Pay Commission. It is the further prayer of the petitioner that the authorities should be

restrained from issuing any direction to implement the proposal at Annexure-7 dated 24.12.2009 by virtue of which he apprehends reversion.

6. It is submitted that his grievance, so far as non-payment of 6th Pay Commission and emoluments in accordance with recommendation of such Commission, was agitated in the representation dated 15.09.2010. The said representation was placed for consideration before the Executive Officer by order dated 17.09.2010 and on consideration thereof, the Executive Officer noted thus; "Not to be considered at present".

7. It is the submissions of the learned counsel for the petitioner, on instructions, that the in meanwhile though his pay has been fixed in the 6th Pay Commission but the petitioner is not getting arrear salary and increment as due and admissible in terms of the recommendation of the Commission and the said grievance has not yet been addressed.

8. Considering the limited nature of the grievance, this Court is of the considered opinion that the interest of justice will be subserved if the petitioner prefers a fresh representation within six weeks from today agitating his grievance relating to his emoluments and service conditions, if any, before the Opposite Party Nos.3 and 4. If such a representation is filed the Opposite Party Nos. 3 and 4 shall do well to consider the same within a period of six weeks from the date of receipt of such representation along with a copy of this order, affording opportunity of hearing to the petitioner. And, the result thereof shall be communicated to the petitioner.

9. Since the petitioner was agitating his grievance by filing Writ Petition in this Court from the year 2010 and interim order of status quo was passed which was continuing and was made absolute by order dated 21.09.2022, it is directed that if the petitioner files a representation, as undertaken, within the time stipulated, the status quo regarding the status of the petitioner shall continue till the disposal of the same by the Authority. And, for a further period of six weeks from the date of communication of the result of petitioner's representation in the peculiar facts of the case at hand.

10. With such directions, the Writ Petition stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

