

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 1040 of 2012

Laxman Sethi

.....

Petitioner

Mrs. Pami Rath, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

26.07.2022

Order No.
08.

This matter is taken up through hybrid mode.

2. Heard Mrs. Pami Rath, learned Counsel for the Petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.

3. The Petitioner has filed this Writ Petition seeking to quash the order dated 26.09.2011 passed by the Orissa Administrative Tribunal, Bhubaneswar in O.A. No. 567 of 2008 and to direct the Opposite Parties to count the service of the Petitioner from his initial appointment under Annexure-2 dated 12.09.1992.

4. Mrs. Rath, learned Counsel for the Petitioner contended that the similar matter had come up for consideration before the Tribunal in O.A. No. 1137 of 2009 which was disposed of vide order dated 21.11.2012 and pursuant to the direction of the Tribunal, the Opposite Parties have extended the benefit to the similarly situated person, namely, Rama Chandra Jalli, vide orders dated 16.09.2013, 25.01.2014 and 30.01.2014. In that view of the matter, the Petitioner is entitled to get the similar benefit, which should have been extended to him. However, the Tribunal has committed an error in not extending such benefit to the Petitioner.

5. Mr. S.N. Nayak, learned Additional Standing Counsel contended that if the Petitioner's case is covered by the decision of Rama Chandra Jalli, then benefit admissible to the petitioner should be extended to the Petitioner in terms of the order passed by the Tribunal dated 21.11.2012 in O.A. No. 1137 of 2009, which has also been implemented by the authority vide orders dated 16.09.2013, 25.01.2014 and 30.01.2014.

6. Having heard learned Counsel for the parties and after going through the record, since the Petitioner's claim is covered by the order passed by the Tribunal dated 21.11.2012 in O.A. No. 1137 of 2009 in the case of Rama Chandra Jalli, and the same has already implemented by the authority vide orders dated 16.09.2013, 25.01.2014 and 30.01.2014, this Court do not any reasons not to extend such benefit to the Petitioner, as the Petitioner stands in the same footing.

7. In view of the above, while setting aside the impugned order passed by the Tribunal dated 26.09.2011 in O.A. No. 567 of 2008, the Writ Petition stands disposed of in terms of the order passed by the Tribunal dated 21.11.2012 in O.A. No. 1137 of 2009, which has already implemented by the authority vide orders dated 16.09.2013, 25.01.2014 and 30.01.2014.

8. The Writ Petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Arun