

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1454 of 2022

Ananta Kumar Dash

.....

Petitioner

Mr. M. Nayak, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.01.2022

Order No.

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This matter is taken up through video conferencing mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this application claiming arrear salary for the period from 01.06.1994 to 10.02.2014 with accrued interest @8% per annum within a stipulated time.

4. Learned counsel for the petitioner contended that in compliance of the order dated 11.02.2014 passed in W.P.(C) No.1582 of 2012 (*Ananta Kumar Dash v. State of Orissa*), though the government has extended the benefit of arrear salary, but it has only restricted from the date of judgment passed by this Court vide clause-3 and 4 of the order dated 27.02.2018 and 20.04.2018 in Annexure-5 series. But, nowhere this Court directed to extend the benefit from the date of judgment, thereby the order so passed by the authority is contrary to the provisions of law.

5. Learned State Counsel contended that assuming that the order was passed that the benefit should be extended to the petitioner from the date of judgment, but at best the benefit would be extended in view of the ratio decided by the apex Court in the case of *Union of India v. Tarsem Singh*, 2008 (8) SCC 648.

6. Considering the contention raised by learned counsel for the parties and after going through the records, this Court is of the

considered view that the arrear salary of the petitioner should have been calculated as per the law laid down by the apex Court in *Tarsem Singh* (supra) and, thereby the restriction imposed by the authority that the entitlement of the petitioner should be from the date of judgment, cannot sustain in the eye of law. Accordingly, that part of the order passed in Annexure-5 series dated 27.02.2018 and 20.04.2018 is set aside and the opposite parties are directed to calculate the arrear salary of the petitioner in view of the law laid down by the apex Court in *Tarsem Singh* (supra). The entire exercise shall be completed within a period of three months from the date of production of a certified copy of this order. Needless to say that if the petitioner has any grievance, he may approach the appropriate forum in accordance with law.

7. With the above observation and direction, the writ petition stands disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's Notice No. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Alok

(DR. B.R. SARANGI, J.)