

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 2853 of 2012

State of Orissa and Ors.

.....

Petitioner

Mr. S. Jena, SC, S&ME Deptt.

Vs.

Rabindranath Mishra (since dead)

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

08.04.2022

Order No.

12.

This matter is taken up through hybrid mode.

2. Since notices issued to opposite parties no.1(a) to 1(c) have returned after valid service, the notice issued against them is treated as sufficient. Despite valid service of notice on the opposite parties no.1(a) to 1 (c), none appears for them.

3. Heard Mr. S. Jena, learned Standing Counsel for School and Mass Education Department appearing for the petitioners.

4. The State and its functionaries have filed this writ petition assailing the order dated 28.01.2011 passed in O.A. No.844 of 2001, by which the Orissa Administrative Tribunal, Bhubaneswar has directed the State-petitioners to clear up the salary of the deceased opposite party no.1 as an additional Section Teacher till his date of discharge, as he has performed duties in the aforesaid school, which is not disputed by either party.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that the service period of deceased opposite party no.1 from 20.07.1989 to 01.03.2000 was not approved. Therefore, he is not entitled to get the benefit.

6. On perusal of the order dated 28.01.2011, it appears that the tribunal has taken note of the arguments advanced by learned Standing Counsel for School and Mass Education Department that the service period of deceased opposite party no.1 from 20.07.1989 to 01.03.2000 was not approved.

7. Therefore, this Court is not inclined to interfere with the order passed by the tribunal, which is hereby upheld. Accordingly, the State-petitioners are directed to comply with the direction given by the tribunal vide order dated 28.01.2011 in O.A. No.844 of 2001, as the deceased opposite party no.1 has discharged his duty for the aforesaid period. As such, since during pendency of the writ petition opposite party no.1 has died and his legal representatives are in penury, it will help them in the shape of financial benefit.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Alok/Sukanta