

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3404 of 2022

Kamal Lochan Dalei

.....

Petitioner

Mr. S.K. Pattnaik, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.02.2022

Order No.

01

This matter is taken up by video conferencing mode.

2. Heard Mr. S.K. Pattnaik, learned counsel for the petitioner and learned State Counsel.

3. The petitioner has filed this application seeking direction to the opposite parties to allow him to avail the benefits of ORSP Rules 1998 w.e.f. 01.01.1996 instead of 01.07.2006 and ORSP Rules 2008 w.e.f. 01.01.2006 instead of 08.01.2013.

4. Learned counsel for the petitioner contended that similar question had come up for consideration before this Court in *Prabira Kumar Biswal v. State of Orissa* (OJC No. 10096 of 2001, disposed of 16.09.2010) and after due adjudication this Court directed that the State Government to extend the benefit of revised scale of pay, 1996 as applicable to the teachers of comparable rank in government schools with effect from the date the ORSP Rules came into force. Challenging, the said judgment of this Court, State has preferred SLP (CC) No.4591 of 2012, which was also dismissed by the apex Court on 20.04.2012. Therefore, since the judgment of this Court dated 16.06.2010 passed in OJC No.10096 of 2001 was affirmed by the apex Court, there is nothing remains to be decided in this case, save and

except, on the basis of the ratio decided in the said writ application, the benefit should be extended to the petitioner.

5. Learned State Counsel contended that if such benefit has already been extended to the petitioner in OJC No.10096 of 2001, disposed of on 16.09.2010, which was affirmed by the apex Court, the grievance of the petitioner should be considered in the light of the judgment passed by this Court.

6. Considering the contention raised by learned counsel for the parties and after going through the records, it appears that the revised scale of pay benefit having been extended to similarly situated person, namely, ***Prabira Kumar Biswal v. State of Orissa*** (OJC No. 10096 of 2001, disposed of 16.09.2010), which was affirmed by the apex Court, it is no more res integra to adjudicate the matter afresh with regard to entitlement of the petitioner. Therefore, the grievance of the petitioner can only be considered in the light of the judgment of this Court in ***Prabira Kumar Biswal*** (supra), which was affirmed by the apex Court by dismissing the SLP on 20.04.2012.

7. In such view of the matter, the opposite parties are directed to extend the benefit to the petitioner as due and admissible in the light of the judgment of this Court in ***Prabira Kumar Biswal*** (supra) by extending the revised scale of pay as applicable to the State government employees as expeditiously as possible, preferably within a period of six months from the date of production of an authenticated/certified copy of this order.

8. 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)
JUDGE

