

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 19834 of 2014

Dr. Trailokyanath Das

.....

Petitioner

None

Vs.

OAT, Cuttack and others

.....

Opposite parties

Mr. S. Jena, Standing Counsel for S&ME

Deptt. &

Mr. S. K. Das, Advocate (O.P.7)

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

23.03.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call. Heard Mr. S. Jena, learned Standing Counsel for S&ME Department and Mr. S.K. Das, learned counsel for opposite party no.7. Perused the record.

3. The claim of the petitioner for counting his service rendered as Asst. Teacher in a Aided school, namely Kantabania High School, Chhatrapada for the period from 08.07.1968 to 24.08.1977 having been rejected by the authorities, the petitioner approached the Tribunal by filing O.A. No. 1502 (C) of 2006. The tribunal vide order dated 03.06.2014 in Annexure-18 rejected the claim of the petitioner. Challenging the said order, the petitioner has approached this Court in the present writ petition.

4. Fact remains that the petitioner was initially appointed as an Assistant Teacher in Kantabania High School, Chhatrapada, an aided educational institution and rendered service for the period from 08.07.1968 to 24.08.1977. While continuing as such in the

said school, he being duly selected for appointment as Lecturer-in-Education in Class-II of O.E.S, he resigned from the service as a teacher in a High School, in order to join in the said post at Government Training College, Balangir. During the continuance of the petitioner in the school, the school was not taken over by the Government. However, the petitioner claims that the period rendered in the aided school, i.e. from 08.07.1968 to 24.08.1977 be taken into account for grant of pensionary benefits, so that he can get more pension.

5. Mr. S. Jena, learned Standing Counsel for School & Mass Education contended that the petitioner having rendered the service in an aided educational institution for the period from 08.07.1968 to 24.08.1977 and by tendering his resignation, he joined in Government Training College as Lecturer-in-Education in Class-II of O.E.S post, the lien with the School & Mass Education Department does not exist and since he tendered his resignation, the service rendered by him in aided educational institution cannot be taken into consideration for continuity of service.

6. Mr. S. Das, learned counsel appearing for opposite party no.7-Accountant General (A&E), Odisha, contended that since the petitioner rendered his service in a Government College, after tendering resignation from the aided educational institution, he has already paid the benefit as due and admissible to him after his retirement. But so far as the period for which he petitioner has rendered his service in the aided educational institution, the same has not been taken into account as the government has not agreed that the petitioner is entitled to get the continuity of service for the said period.

7. It appears that the petitioner has tendered resignation after rendering his service as an Assistant Teacher in Kantabania High School, Chhatrapada, an aided high school for the period from 08.07.1968 to 24.08.1977. By that time the school had also not been taken over by the Government. More so, the period for which the petitioner was continuing in service in the aided educational institution cannot be taken into consideration treating his service as the continuity of service along with government institution, where he joined after resigned from the aided institution. More so, the benefit have already been extended during the period, he discharged his duty in the government institution. Taking into consideration all such facts, since the tribunal has passed the impugned order and there is no error apparent on the face of it, this Court is not inclined to interfere with the same.

8. The writ petition thus merits no consideration and as such the same stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE