

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 24180 OF 2014

Baidyanath Pati

***..... Petitioner
Mr.P.C.Puspalaka, Adv.***

-versus-

State of Orissa & another

***..... Opposite Parties
Mr. S.K.Samal, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
25.07.2022**

**Order No.
06.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The grievance of the petitioner is that he was working as Instructor at Vocational Centre, Barang. Seeking regularization of service and equal pay for equal work, basing his claim on the order passed by this Court dated 26.10.1998 in OJC No. 964 of 1992(Manjubala Mohanty) approached this Court by OJC No. 15588 of 1999 and by order dated 26.03.2014, the same was disposed directing the authority to consider the grievance of the petitioner for regularization and grant of scale of pay admissible if he is similarly circumstanced with the petitioner in OJC No.964 of 1992(Manjubala Mohanty).
4. In obedience to such direction the Women and Child Development Department by order dated 28.11.2014 informed the

petitioner the reasons as to why the petitioner cannot be treated at par with said (Manjubala Mohanty)

5. Paragraphs-3 and 4 of the said order are relevant for adjudication is quoted hereunder.

“(3) After detailed examination of the case, it is ascertained that no parallel can be drawn between the case of Majubala Mohanty and this present case. In Manjubala case, the Hon’ble High Court had passed its order on 26.10.98 in OJC No. 964 of 1992 when VTC, Baranga was very much in existence. But on 11.5.1999, the State Government decided to wind up VTC, Baranga and introduce a scheme for imparting woollen carpet weaving training to adult deaf and dumb as well as Orthopaedically Handicapped persons. VTC, Baranga being a non Government organization, the State Government decided to re-deploy the staff of VTC, Baranga in the newly introduced scheme of woollen carpet weaving training. Subsequently, when training activity discontinued, these employees of VTC, Barang were re-deployed to various units/officers of Women and Child Development Department of Government of Odisha. They are being paid

remuneration as per applicable Government order issued from time to time.

(4) Hence, after a gap of sixteen years and more so when VTC, Baranga is no more in existence, the case of the present petitioner cannot be equated with that of Manjubala Mohanty.”

6. Assailing the same, which is at Annexure-17, the present writ petition has been preferred.

7. Learned counsel for the State drew the attention of the Court to the Parawise Comments received from the State Authorities. Paragraph-13 thereof germane for just adjudication is quoted hereunder.

“13. That, as the woolle carpet weaving training centre was closed, the staff of erstwhile VTC, Baranga were again redeployed in November, 2010 and the Petitioner was attached to State Institute for Disability Rehabilitation (SIDR), Bhubaneswar to work in vocational counseling and training with revised consolidated salary.”

8. The Parawise Comments be kept on record.

9. Admittedly the petitioner has been redeployed as per the policy decision and presently he is under the administrative control of the Director, State Institute of Disability Rehabilitation (SIDR), Capital Hospital Campus, Unit-6, Bhubaneswar (Annexure-14). The name of the petitioner appears at serial No.4

of the Office Order placing his servicers under the Administrative Control of the Director, SIDR as noted above.

10. Taking into account the redeployment of the petitioner as noted and the reasons distinguishing the claim of the petitioner vis-à-vis Manjubala Mohanty, this Court does not find any infirmity in the impugned order and accordingly the writ petition does not merit consideration of this Court and the writ petition stands dismissed.

11. It shall be open to the petitioner to approach the authority in the event he has any grievance regarding his emolument which shall be considered on its own merit without being influenced by dismissal of the present writ petition.

Dhal

(V.Narasingh)
Judge

