

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5221 of 2021

State of Odisha & Ors.

.....

Petitioners

Mr. A.K. Mishra, AGA

Vs.

Sri Tripati Panda and others

.....

Opposite Parties

*Mr. Pravat Ranjan Dash, Advocate
(O.P.1)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

03.11.2022

Order No.

05

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State-petitioners and Mr. P.R. Dash, learned counsel appearing for opposite party no.1.

3. The State-petitioners have filed this writ petition seeking to quash the order dated 17.05.2019 passed in O.A. No.1080(C) of 2019 under Annexure-2, by which the Odisha Administrative Tribunal, Cuttack Bench, Cuttack has observed that opposite party no.1 has already completed twenty years of service as on 01.01.2013 and hence he is entitled for Grade-Pay of Rs.4600/- with effect from 01.01.2013 as 2nd financial up-gradation and his pay be revised accordingly as per Resolution dated 06.02.2013 and accrued arrears be paid to him within a period of two months from the date of receipt of the copy of the order.

4. Mr. P.R. Dash, learned counsel appearing for opposite party no.1 contended that the case of opposite party no.1 is covered by the judgment of the apex Court in the case of *State of Odisha v. Bihari Lal Barik*, Special Leave Petition bearing Diary No.20358/2017, whereby the SLP preferred by the State has been dismissed. Therefore, this writ petition may be dismissed.

5. In the above view of the matter, the judgment passed by this Court in *Bihari Lal Barik* (supra) having been confirmed by the apex Court by dismissing the Special Leave Petition bearing Diary No.20358/2017

preferred by the State, the petitioners are directed to comply with the order dated 17.05.2019 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1080(C) of 2019 under Annexure-2 within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

