

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.17983 of 2016

State of Odisha and others

.....

Petitioners

Mr. A.K.Mishra, AGA

Vs.

*Pradeep Kumar Khuntia and
another*

.....

Opposite Parties

Mr.Pratik Das, Adv.

*on behalf of Mr.A.N.Pattnayak, Adv.
(O.P.1)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

12.04.2022

Order No.

3.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K.Mishra, learned Addl. Government Advocate for the petitioners-State and Mr. Pratik Das, learned counsel on behalf of Mr.A.N.Pattanayak, learned counsel for the opp. party No.1.

3. This writ petition has been filed by the State functionaries challenging the order dated 17.02.2016 passed by the Odisha Administrative Tribunal, Circuit Bench, Berhampur in O.A. No.1 (B)/2015 wherein the Tribunal allowed the pay protection of the opp. party No.1 given by the authority concerned.

4. Mr. Pratik Das, learned counsel for the opp. party No.1 contended that this question has already been settled by this Court in W.P.(C) Nos. 14668 of 2008, 7964 of 2010, 17724 of 2011, 22497 of 2011 and 20325 of 2012, wherein this Court by order dated 09.05.2018 held that the Government servants are entitled to protection of pay in pursuance of the Finance Department, Office Memorandum dated 16.06.1980. He further contended that relying on such ratio, this Court has already disposed another similar

matter, i.e. W.P.(C) No. 4077 of 2017 vide order dated 10.05.2018. Therefore, this writ petition may be disposed of terms of the ratio decided in such writ petition, to which, learned Addl. Government Advocate has no objection.

6. In view of the above, this Court is not inclined to interfere with the impugned order and disposed of the writ petition with a direction to the State authorities to take consequential steps within two months from the date of production of the certified copy of this order along with a copy of the orders passed in the aforementioned order dated 09.05.2018 and 10.05.2018 passed by this Court.

7. Issue urgent certified copy as per rules.

Arun/Bichi

