

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20045 of 2012

Santanu Kumar Mishra and others* *Petitioners

Mr. L.K. Mohanty, Advocate

-versus-

State of Orissa and others* *Opposite Parties

Learned Standing Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

ORDER

06.07.2022

Order No.

23. 1. The Petitioners are aggrieved by an order dated 12th April 2012, passed by the Orissa Administrative Tribunal, Cuttack Bench in O.A. No.1693(C)/2008, by where the prayer of the Petitioners for modification of an earlier order dated 19th December, 2011 in O.A. No. 1693(C) of 2008 to allow the Petitioners a benefit of the T.G. Scale with effect from 1st April 1995, the date that the Petitioner acquired the B.Ed. qualification, was rejected.
2. At the outset, learned counsel for the Petitioners states that although before the Tribunal, the Petitioners were seeking both salary in the post of T.G. Teacher as well as seniority from the date of acquiring the B.Ed. qualification, i.e., 01.04.1995. The Petitioners are at present confining their prayer only to the grant of seniority with effect from that date.
3. It appears that the Government of Odisha allowed Six T.G. posts in the Nayahat, High School by way of upgradation by a letter dated

12th June, 1995 and also directed that the said posts should be filled up. However, as of 1st December, 1995 only three such posts were filled up. As far as the Petitioners were concerned, they started working against the T.G. posts which was created only on 10th October, 1996. The Tribunal has noted that the Applicants/ Petitioners started working against the T.G. Posts only after their creation from 10.10.1996 and therefore were allowed the regular pay scale attached to such posts from that date. It was noticed therefore that the seniority also could count only from the date that the posts were created.

4. Learned counsel for the Petitioners seeks to place reliance on the decisions of this Court in ***Sri Madhab Chandra Podh v. State of Orissa 1998 (II) OLR 334*** and the decision dated 8th October, 2015 in W.P.(C) No.13361 of 2006 (***State of Orissa v. Kamadev Routray***) to urge that the Petitioners should be allowed seniority in the T.G. posts from the date of their acquiring the B.Ed. qualification.

5. Having examined both the decisions, it appears that on the facts of those cases, the question of the date of creation of the posts was not in dispute. However, in the present case, the Petitioners are unable to dispute the fact that the T.G. Posts against which they were appointed was created only with effect from 10.10.1996. Consequently, the question of either paying the pay scale attached to such posts or seniority from an earlier date that is prior to 10.10.1996 does not arise.

6. The Court is unable to find any error having been committed by the Tribunal. The writ petition is accordingly dismissed.

7. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

S. Behera

