

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13143 of 2015

State of Orissa & Ors.

.....

Petitioner

Mr.S. Jena, SC, S &ME Deptt.

Vs.

Parsuram Sahoo & Anr.

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

20.04.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S.Jena, learned Standing Counsel for School and Mass Education Department for the petitioners.

3. The State and its functionaries have filed this writ petition challenging the order dated 23.04.2015 passed in C.P. No.260 of 2014 arising out of O.A. No.1001 of 2013 and order dated 03.05.2013 passed in O.A. No.1001 of 2013, by which the Division Bench of the tribunal held that opposite party no.1 would be eligible for consideration for entitlement of ACP having continued in the same grade or post on completion of 25 and 30 years of service for 2nd and 3rd stage of ACP, respectively and change in scale of pay without change of grade or post would be of no consequence, as there has been no mention of change of scale of pay in Rule-14 of ORSP Rules, 2008 and, by so holding, directed the petitioners to consider the case of opposite party no.1 through an appropriate screening committee as per the aforesaid Rules for allowing ACP from the date of completion of 25 and 30 years of service in the grade or post, within a period of three months from the date of receipt of the order.

4. Since the order of the tribunal was not complied, opposite party no.1, alleging violation of the order dated 03.05.2013 passed in O.A. No.1001 of 2013, filed C.P. No. 260 of 2014, wherein show-cause reply was filed by the petitioners stating that after careful consideration 128 no. of cases were allowed by the screening committee for fixation of RACP/ACP financial up-gradation under ORSP Rules, 2008 and 13 nos. of ACP cases of retired teachers as per Court decision have been rejected by the screening committee, as it violates the Govt. Guidelines under ORSP Rules, 2008. Without considering the same, the tribunal, vide order dated 23.04.2015 in C.P. No.260 of 2014, directed the petitioners for their personal appearance, which is under challenge in the present writ petition.

5. But fact remains, the tribunal has been abolished in the meantime and the order of tribunal has been complied with on 10.02.2015. Thereby, nothing remains to be adjudicated in this writ petition, which is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Alok/Puspa