

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16850 of 2012

Siba Ch. Nayak

....

Petitioner

Mr. J.K. Lenka, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.K. Nayak, Advocate

Mr. S.N. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
21.09.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the Opposite Parties.
3. Relying on the Annexures-2 to 5, it is submitted by the learned counsel for the petitioner that though his services have been utilized as a driver, the Municipal Corporation is not paying him the salary of a driver.
4. It is also further submitted that increment and revision of pay of the petitioner as a helper is also not being paid to him.
5. Learned counsel for the petitioner relies on the Judgement of the Apex Court in the case of ***State of Punjab vs. Jagjit Singh & Others*** reported in ***(2017) 1 SCC 148*** to claim that he is entitled to minimum of the time scale meant for the driver, as his services are being utilized as such.

6. Learned counsel for the Municipal Corporation seeks adjournment to obtain instruction, list this matter in the week starting 17.10.2022 along with W.P.(C) No.16849 of 2012. In the meanwhile, the pendency of the Writ Petition shall not be a bar for the authorities to pay the emoluments of the petitioner as a helper as per 7th CPC, if he is otherwise entitled to.

7. The petitioner undertakes to submit a copy of this order before the authorities who are called upon to take a decision in the matter of release of revised pay of the petitioner as stated above.

Ayesha



(V. NARASINGH)
Judge