

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9769 of 2013

State of Odisha and others

.....

Petitioner

Mr. A.K. Mishra, AGA

Vs.

Banabihari Nayak and others

.....

Opposite Parties

Mr. P.K. Mohapatra, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.03.2022

Order No.

1.

This matter is taken up through hybrid mode.

2. Mr. P.K. Mohapatra, learned counsel files vakaltnama on behalf of the opposite parties in Court today, which is taken on record.

3. Heard Mr. A.K. Mishra, learned Addl. Government Advocate for the petitioners-State and Mr. P.K. Mohapatra, learned counsel for the opposite parties.

4. The petitioners-State have filed this writ petition seeking to quash the order dated 27.03.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 1124 (C) of 2009, by which the tribunal has directed that the benefit already allowed to the opposite parties be restored, as the order dated 29.12.2006 is based on order dated 15.05.1997, which is not applicable to the opposite parties, whose case is governed as per order dated 16.07.1996.

5. Mr. A.K. Mishra, learned Addl. Government Advocate vehemently contended that the opposite parties are not entitled to get the benefits, as has been directed by the tribunal. Therefore, the petitioners-State have preferred this writ petition.

6. Mr. P.K. Mohapatra, learned counsel for the opposite parties contended that opposite parties are entitled to the benefits and, therefore, the tribunal is well justified in passing the order impugned. It

is further contended that in similar circumstances, though State preferred W.P.(C) No. 6895 of 2013 and W.P.(C) No.22327 of 2013, the same were dismissed vide orders dated 02.03.2016 and 21.03.2017 respectively. As such, against the order dated 21.03.2017, though State preferred SLP (C) Diary No.40571 of 2017, the same was also dismissed vide order dated 19.01.2018. Thus, it is contended that the opposite parties having stood in the same footing, the benefit should have been extended to them.

7. Having heard learned counsel for the parties and after going through the records, since the opposite parties stand on similar footing with that of the petitioners in W.P.(C) No. 6895 of 2013 and W.P.(C) No.22327 of 2013, which was affirmed by this Court as well as the apex Court, the benefit should have been extended to the opposite parties. As such, the tribunal is well justified in passing the order impugned, which does not require any interference by this Court.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed. The petitioners-State are directed to extend the benefits to the opposite parties as expeditiously as possible, preferably within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE