

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 12402 of 2020

Sunil Kumar Sen & Ors.

.....

Petitioners

Mr. S. Behera, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

09.11.2022

Order No.

03

This matter is taken up through hybrid mode.

2. Heard Mr. S. Behera, learned counsel for the petitioners and learned Additional Government Advocate appearing for the State opposite parties.

3. The petitioners, who are retired Demonstrators in different discipline in Panchayat College, Bargarh have filed this writ petition seeking to quash the order dated 09.07.2019 under Annexure-11, by which opposite party no.1 has rejected the claim of the petitioners for grant of financial benefits as per norms of University Grants Commission and further to issue direction to the opposite parties to fix the scale of pay as per UGC scale of pay as per UGC letters dated 27.07.1998 & 12.04.1999 and pay the arrear after calculating the same within a stipulated period.

4. Mr. S. Behera, learned counsel for the petitioners contended that a similar matter was considered by this Court in OJC Nos. 1088 of 2000 and 13156 of 1998, which have been disposed of vide judgment dated 30.09.2011 and, thereby, the petitioners, having stood in the same footing, are entitled to get the same relief.

5. Learned Additional Government Advocate for the State opposite parties contended that the judgment, which has been referred to, relates to the Demonstrators of Utkal University, whereas the petitioners were working as Demonstrators in different Colleges and, thereby, the said judgment does not apply to the petitioners.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court finds that the question of grant of UGC scale of pay was considered by a Division Bench of this Court in

OJC Nos. 1088 of 2000 and 13156 of 1998 (**General Secretary, Utkal University Demonstrators' Association v. Utkal University and others**) and this Court disposed of the said writ petitions with the following directions:-

“In view of the above, this Court comes to the conclusion that since the U.G.C. has approved the pay scale of Demonstrators/Tutors, they shall be given financial benefits as admissible to them. Accordingly, the writ petition is allowed. It is directed that the pay scale of the members of the petitioners' Association will be fixed notionally and annual increment will be allowed till 01.01.1986, but no financial benefit will be given from 01.01.1986 to 01.01.1996. It is further directed that the scale of pay of the Tutors i.e. Rs.1740-3000/- and the scale of pay of Demonstrators Rs.2200-4000/-, who have reached at the stage of Rs.2700/-, shall be fixed w.e.f. 01.01.1986. It is further directed that the employees are also entitled to get revised scale of pay introduced by the UGC w.e.f. 01.01.1996 with the corresponding pay scale of Rs.5500-9000/- (1740-3000) and Rs.8000-13500/- (2200- 4000). It was brought to our notice that the Demonstrators are being paid a consolidated salary of Rs.7500/-. We direct that their pay scale will be revised as per the direction of this Court within three months and the differential salary be disbursed in their favour.”

7. As such, pursuant to the above judgment, benefits have been extended to the petitioners therein and since the present petitioners are similarly situated with them, they should not be discriminated. Thereby, the order dated 09.07.2019 under Annexure-11 passed by opposite party no.1 rejecting the claim of the petitioners for grant of financial benefits as per norms of University Grants Commission cannot sustain in the eye of law and accordingly, the same is hereby quashed.

8. Therefore, this Court disposes of this writ petition directing the opposite parties to extend the benefits to the petitioners in terms of the judgment passed by a Division Bench of this Court in **General Secretary, Utkal University Demonstrators' Association** (supra) as expeditiously as possible, preferably within a period of three months from the date of communication/production of this order.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE