

IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.17 of 2013

Union of India & Ors.

.....

Petitioners

*Mr. Bimbisar Dash, Sr. Panel Counsel,
Govt. of India*

Vs.

Labanya Moharana

.....

Opposite party

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

05.07.2022

Order No.

05

This matter is taken up through hybrid mode.

2. Heard Mr. B. Dash, learned Sr. Panel Counsel, Govt. of India appearing for the Petitioners.

3. This Review Petition has been filed by the Union of India and its functionaries to review the Order dated 29.11.2011 passed in W.P.(C) No.14979 of 2009, by which this Court dismissed the said Writ Petition holding that there was no infirmity in the Orders dated 07.08.2002 and 21.05.2009 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.44 of 1997 and R.A. No.6 of 2003 respectively.

4. Mr. B. Dash, learned Sr. Panel Counsel, Govt. of India appearing for the Petitioners contended that the Tribunal has not applied its mind in proper perspective while passing the order dated 21.05.2009 in R.A. No.6 of 2003 and the order dated 07.08.2002 passed in O.A. No.44 of 1997, which have been confirmed by this Court vide Order dated 29.11.2011 passed in W.P.(C) No.14979 of 2009. Therefore, the Petitioners have approached this Court by filing this Review Petition for recalling the Order dated 29.11.2011 passed in W.P.(C) No.14979 of 2009.

5. Perused the records. It appears that the Postal Stores Depot,

Sambalpur was created vide D.G Posts, New Delhi No.26-8/79-UPE dated 24.12.1979 and No.47-1/79-PE.I (Part) dated 12.02.1980 communicated vide Post Master General, Orissa Circle Memo No. Est/1-8/50 dated 19.02.1980 in which a post of Group-‘D’ Carpenter was newly created along with other posts. The said post, i.e. Group-D Carpenter was sanctioned vide Post Master General (Now Chief Post Master General), Orissa Circle, Bhubaneswar Memo No. Est/1-8-50 dated 04.10.1983 in the scale of pay rs.196-3-232.

6. After observing usual formalities for recruitment to the post of Group-D Carpenter, the Opposite Party-Labanya Moharana was selected for the said post and he was asked, vide letter dated 30.12.1983, to submit the documents including a professional certificate. In response to the said letter, the Opposite Party submitted all other documents except the professional certificate regarding carpentry vide his application dated 06.01.1984. Despite this deficiency, he was appointed as Group-D Carpenter in the scale of Rs.196-3-232 w.e.f. 06.01.1984, vide Memo dated 15.07.1985 of Superintendent PSD, Sambalpur, and he was paid Salary in the scale of pay of Rs.196-3-232. He, after 13 years of acceptance of his appointment in the post of Group-D Carpenter in the scale of pay of Rs.196-3-232, filed O.A. No.44/97 before the Tribunal with a prayer to allow him drawal of pay in the scale of Rs. 260-400 till 01.01.1986 and after that in the scale of Rs.950-20-1150-EB-25-1500 and payment of arrear with interest.

7. Pursuant to notice, the Petitioners-Department filed Counter Affidavit on 16.07.1997 stating, inter alia, that the Opposite Party was appointed as Group-D Carpenter against a Sanctioned scale of Rs. 196-3-232/- and accordingly, he was not granted the higher pay scale as claimed for. The Tribunal disposed of the aforesaid O.A., vide order dated 07.08.2002, treating the Opposite Party as a skilled

Carpenter at par with the skilled staff of Work Charged Establishments of P&T Civil Wing and also directed the Department to grant him the benefit of pay revision to the scale of Rs. 196-3-232/- limiting the payment of differential arrears to him w.e.f January, 1994 exercising their discretion. He filed R.A. No. 18/2002 before the Tribunal against the payment of arrear from the date of his joining, i.e. 06.01.1984, instead of from 01.01.1994, but the same was dismissed vide order dated 21.05.2009.

8. The Department filed Review Application No.06 of 2003 seeking review of the order dated 07.08.2002 passed by the Tribunal in O.A. No.44 of 1997 and the said Review Application was dismissed vide order dated 21.05.2009. Therefore, the Petitioners had approached this Court by filing W.P.(C) No.14979 of 2009 seeking to quash the Orders dated 07.08.2002 and 21.05.2009 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.44 of 1997 and R.A. No.6 of 2003 respectively and this Court, vide Order dated 29.11.2011, dismissed the said Writ Petition confirming the orders passed by the Tribunal.

9. The Petitioners filed this Review Petition beyond the prescribed period of limitation to review the order dated 29.11.2011 passed in W.P.(C) No.14979 of 2009. In view of the foregoing discussion, this Court does not find any error apparent on the face of the record to review the order impugned dated 29.11.2011 passed by this Court in W.P.(C) No.14979 of 2009.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE