

IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No. 171 of 2019

Sangram Pattanaik

.....

Petitioner

*Mr.J.K. Rath, Sr. Advocate along with Mr.
A.K. Panigrahi, Advocate*

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

16.12.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. J.K. Rath, learned Senior Counsel appearing along with Mr. A.K. Panigrahi, learned counsel for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition seeking review of the order dated 29.04.2019 passed in W.P.(C) No. 22454 of 2022.

4. Mr. J.K. Rath, learned Senior Counsel appearing for the petitioner contended that the petitioner is aggrieved by the noting made in the order dated 29.04.2019 to the effect that the petitioner having accepted the benefit under such letters under Annexures-13 and 17 to the writ petition without any protest, now challenged the same in the present writ petition claiming enhanced financial benefits under Orissa Revised Scale of Pay, 1998 w.e.f 01.01.1996 and Orissa Revised Scale of Pay, 2008 w.e.f. 01.01.2006, which may not be justified. It is contended that so far as without protest part is concerned, in fact the petitioner had raised the protest, but there is an error apparent on the face of the order, for which the same needs to be corrected.

5. In course of hearing, this Court called upon Mr. J.K. Rath, learned Senior Counsel appearing for the petitioner to state in which paragraph

and where the petitioner has pleaded in the writ petition with regard to the facts, which he is now raising in the review petition that the petitioner has protested the same. He brought the attention to the letter dated 31.08.2012, which has been placed at page-11 of the review petition, where the petitioner has stated that “I here with accept the above letter with protest without prejudice to my rightful claim, i.e. arrears in Revised Pay, from 01.01.2006 to 31.03.2011 for appropriate adjudication”.

6. This Court made a further query whether such document had been placed in the writ petition and whether the petitioner has pleaded so in the writ petition or in the rejoinder affidavit, to which, learned Senior Counsel very fairly stated that such document has not been placed at the time of filing the writ petition. This Court made a query whether such a document can be taken into consideration while considering the review petition as it a new document introduced at the stage of review petition, it is also contended that the same cannot be taken into consideration.

7. In that view of the matter, since the provision of Order 47 Rule 1 CPC has not been complied with, the review application is not maintainable and the same stands dismissed.

Arun

(DR. B.R. SARANGI, J.)