

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 21917 of 2017

State of Orissa & Ors.

.....

Petitioner

Mr. B.P. Tripathy, AGA

Vs.

Santosh Kumar Das & Anr.

.....

Opposite parties

*Mr. P.K. Mishra, Advocate
(O.P.1)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

20.04.2022

Order No.

4

This matter is taken up through hybrid mode.

2. Heard Mr. B.P. Tripathy, learned Additional Government Advocate for the petitioners and Mr. P.K. Mishra, learned counsel for opposite party no.1.

3. The petitioners, who are the functionaries of the State, have filed this writ petition challenging the order dated 17.02.2016 passed in O.A. No.39(B) of 2014, by which the Orissa Administrative Tribunal, Circuit Bench, Berhampur has allowed the said O.A and directed the petitioners to protect the pay of opposite party no.1 as per the provisions of Orissa Service Code and Finance Department memorandum No.48579, dated 04.12.1999 from the date of his joining in govt. service on 24.08.1997 and to draw and disburse the differential salary to him within a period of three months from the date of receipt of a copy of the order.

4. Mr. P.K. Mishra, learned counsel for opposite party no.1 brings to the notice of this Court a letter dated 21.05.2020 issued by the Administrative Officer, Office of the Chief Engineer Minor Irrigation, Odisha to the Executive Engineer, Minor Irrigation

Division, Sonapur indicating that the order dated 02.12.2013 passed by the tribunal in O.A. No.29(B)/2013 and O.A. No.39(B) of 2013 was challenged before this Court in W.P.(C) Nos.23462 of 2015 and 3569 of 2016 respectively, and the said writ petitions were dismissed. Thereafter, two numbers of SLPs were filed before the apex Court against the order passed by this Court and both the SLPs have been dismissed by the apex Court during the year 2016 and 2017. Thereby, the order of the tribunal has been confirmed by this Court as well as the apex Court.

5. In view of such position, the writ petition merits no consideration and the same is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Alok/Puspa

