

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No.17899 of 2016

State of Odisha and others

.....

Petitioners

Mr.B.P.Tripathy, AGA

Vs.

*Dilli Ranjan Khuntia and
another*

.....

Opposite Parties

*Mr. S.K.Pattnaik, Advocate
(for O.P.No.1)*

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

ORDER

22.03.2022

Order No.

8.

This matter is taken up through hybrid mode.

2. Heard learned Additional Government Advocate for the petitioners-State.
3. This writ petition has been filed challenging the order dated 17.02.2016 passed by the Odisha Administrative Tribunal, Bhubaneswar, Circuit Bench at Berhampur in O.A. No. 2 (B) of 2015, directing the respondents-petitioners to protect the pay of the applicant-opposite party no.1 as per the provisions of the Orissa Service Code and Finance Department Office Memorandum dated 4.12.1999 from the date of his joining in government service in the year 1999 and to disburse the differential salary to him within a period of three months.
4. On perusal of the impugned order, it appears that the applicant-opposite party no.1 had raised a contention before the learned Tribunal that he is entitled to pay protection as per Finance Department Office Memorandum dated 4.12.1999. It further appears that similar question regarding pay protection pursuant to the said Finance Department Office Memorandum was raised before this Court in W.P.(C) No.21894 of 2010, wherein

this Court by order dated 3.8.2011 has categorically held that the DRDA employees on their absorption in Government service are entitled to pay protection. Relevant findings of the learned Tribunal in this regard is extracted below:

“Learned counsel for the applicant submits that the applicant is entitled to such pay protection as per F.D. Notification dated 4.12.1999. Similar question was raised before the Hon’ble High Court in their order dated 3.8.2011 in W.P.(C) No.21894/2010 at Annexure-4/B categorically held that DRDA employees on their absorption in government service are entitled to pay protection.”

5. On the basis of the materials available on record, learned Tribunal has come to hold as under :

“Accordingly, both the O.As are allowed. The respondents are directed to protect the pay of these applicants as per the provisions of the Orissa Service Code and finance department memorandum No.48579, dtd. 4.12.1999 from the date of their joining in Govt. service in the year 1999 and to draw and disburse the differential salary to them, within a period of three months from the date of receipt of a copy of this order.”

6. For the reasons as aforestated, we do not find any infirmity in the impugned order so as to warrant any interference.

7. The writ petition being devoid of merit is accordingly dismissed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Arun/Bichi

(SAVITRI RATHO)
JUDGE