

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14363 of 2022

Nirmal Kumar Panda

.... *Petitioner*

Mr. Satyajit Samal, Advocate

-versus-

State of Odisha & Others

.... *Opposite Parties*

Mr. Dipti Ranjan Mohapatra,
Standing Counsel for the
School & Mass Education Department

CORAM:

JUSTICE K.R.MOHAPATRA

ORDER

10.06.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The Petitioner has filed this Writ Petition seeking for direction to opposite party Nos.1 to 3 to take immediate steps to disburse the differential arrear salary as well as current monthly salary in Trained Graduate scale of pay to the Petitioner from the date of attaining the age of 48 years, on the basis of the School and Mass Education Department Resolution dated 18th February, 2008 and Letter No.6259 dated 16th April, 2010 as well as the Letter No.1772 dated 11th January, 2011 of the Director of Secondary Education, Odisha as well as the ratio decided in the case of *Radharani Samal Vs. State of Odisha & others*, reported in 2017 (I) ILR-CUT-546, within a stipulated period.
3. Learned counsel for Petitioner contended that similar question has already been adjudicated by the learned Co-ordinate Bench in *Radharani Samal (supra)*, which has been affirmed by the Hon'ble Division Bench of this Court by

dismissing Writ Appeal No.176 of 2017 preferred by the State vide order dated 30th April, 2019. Therefore, the case of the Petitioner deserves to be considered in the light of the judgment passed by this Court in ***Radharani Samal***(supra).

4. Learned Standing Counsel for School and Mass Education Department admits the contentions raised by the learned counsel for the Petitioner. He submits that direction may be issued to consider the case of the Petitioner in the light of judgment passed by this Court in ***Radharani Samal*** (supra), which has been affirmed by the Hon'ble Division Bench of this Court vide order dated 30.04.2019 by dismissing Writ Appeal No.176 of 2017 preferred by the State.

5. Considering the submissions made by learned counsel for the parties and on going through the case record, this Court observes that the case of the Petitioner requires consideration by the authority.

5.1 Hence, the writ petition is disposed of directing the opposite parties to consider the case of the Petitioner in the light of the ratio decided by this Court in ***Radharani Samal***(supra) as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order and a decision thereof shall be communicated to the Petitioner.

6. The Writ Petition thus stands disposed of.

Issue urgent certified copy of this order on proper application.

(K.R.Mohapatra)
Vacation Judge