

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.14611 of 2022

Tilotama Mohanty

....

Petitioner

Mr.Krishna Chandra Sahu, Advocate

-versus-

State of Odisha & Ors.

....

Opp. Parties

Mr.D.R.Mohapatra,ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

21.06.2022

Order
No.

01

1.This matter is taken up through hybrid mode.

2.Heard.

3.The petitioner has filed this writ petition seeking direction of this Court to the opposite party Nos. 3 and 4 to sanction and disburse the withheld annual periodical increments fallen/withheld from the month of June 2020 till the month of June, 2022 along with fixation/revision of pay and all consequential financial benefits under the provision of Rule-77 of Odisha Service Code and take decision as per Annexure-4(Series).

4. The brief facts of the case that the petitioner was initially appointed as a Hindi Teacher on 15.02.21989.

Thereafter, in the year 2006 she was posted as an Asst. Teacher (TGT) and continuing as such till date in the Govt. Boy's High School, Unit-VIII, Bhubaneswar, in the district Khurda. During service tenure the petitioner was placed under Suspension due to detention in judicial custody relating to a vigilance case. However, she was reinstated in service pending finalization of the proceeding and continuing as Asst. Teacher (TGT) in the Govt. Boy's High School, Unit VIII, Bhubaneswar. But, her annual increment since the month of June, 2020 onwards have not been sanctioned.

5. Learned counsel for the petitioner submits that as per provisions of Rule-77 of Odisha Service Code sanction of periodical increment during the period of suspension cannot be withheld until unless there is a specific order/punishment to that effect on account of finalization of any proceeding etc. Additionally the petitioner has been reinstated. Hence under the aforesaid provision increments should be sanctioned. Moreover, the petitioner has made a representation under Annexure-5 to the opposite party No.4 with a copy to opposite party No.3 for sanction of annual periodical increments from June 2020 till 2022.

6. Learned counsel for the State submits that due to pendency of vigilance case against the petitioner, her representation for sanction of annual periodical increments has not been taken into consideration by the authorities.

7. However, considering the facts and submissions made, the writ petition is disposed of directing the opposite party No.4 that in the event the petitioner files a fresh representation before the opposite party No.4 ventilating all her grievances within a period of fifteen days from today, in such event, the opposite party No.4 shall do well to consider and dispose of the representation of the petition especially with respect to withheld of increments within a period of four weeks from the date of receipt of certified copy of this order along with a copy of the writ petition by passing a reasoned order taking into account of Rule-77 of Odisha Service Code.

8. The Writ Petition is accordingly disposed of.

9. Issue urgent certified copy of the order as per Rules.

(S.K. Panigrahi)
Judge