

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9127 of 2016

*State Government of Odisha
and Ors.*

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Petitioner s

Mr. S.N. Nayak, ASC

Vs.

Kartikeswar Padhy & Ors.

.....

Opposite Parties

CORAM:

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

ORDER

21.04.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S.N. Nayak, learned Additional Standing Counsel appearing for the State-petitioners.

3. The State-petitioners have filed this writ petition assailing the order dated 12.11.2014 passed in O.A. No.2663 of 2013, by which the Odisha Administrative Tribunal, Bhubaneswar has directed the State-petitioners to grant higher officiating pay to opposite party no.1 for holding additional charge of Head Clerk with effect from 01.02.2010 to 10.01.2013, as has been given in the case of one Prakash Chandra Sahu, but limiting the payment of such officiating pay to one year, as prescribed in G.A. Department guidelines dated 03.11.2000 at Annexure-C to the counter affidavit filed in the said O.A.

4. Opposite party no.1, while working as a Senior Clerk under the administrative control of petitioner no.4- Executive Engineer, Koraput Investigation Department, Jeypore, was

directed to receive/takeover the charges of the Head Clerk with the additional charges of Divisional Accountant, from one Prakash Chandra Sahu, who was relieved from Government service on superannuation. He was further directed to take over the charge of Head Clerk in addition to his own duties with immediate effect. Accordingly, opposite party no.1 took over the detailed charges from Prakash Chandra Sahu pertaining to the post of Head Clerk as well as to the post of Divisional Accountant on 31.01.2010 and started working against the said posts w.e.f. 01.02.2010 in addition to his own duties of Senior Clerk, as per order dated 30.01.2010. The Principal Accountant General (A & E) Odisha, Puri Branch, Puri, vide his office order no.216 dated 09.11.2010, also approved the additional charge of Divisional Accountant entrusted to opposite party no.1 by petitioner no.4 from 01.02.2010 till the date of joining of a regular Divisional Accountant, and requested petitioner no.4 that the additional remuneration as admissible may be paid to opposite party no.1 as per Rule 96 of the Service Code.

5. There is no dispute with regard to the fact that opposite party no.1, while continuing as Head Clerk as well as Divisional Accountant in addition to his own duty as Senior Clerk, was directed to hand over the charge of Divisional Accountant post to one Anil Kumar-1 posted as Divisional Accountant on 07.01.2011. Accordingly opposite party no.1, after remaining in charge of Divisional Accountant w.e.f. 01.02.2010 to 06.01.2011, handed over the charges of the said

post to Anil Kumar-1, in pursuance of the order dated 07.01.2011. Similarly, while opposite party no.1 was holding the charge of the Head Clerk, in addition to his own duties of Senior Clerk, was again directed to hand over the charges of the Head Clerk to one J.K. Satpathy, who joined as Head Clerk on 11.01.2013. Accordingly, opposite party no.1, after remaining in charge of Head Clerk post w.e.f. 01.02.2010 to 10.01.2013, handed over the charge of the Head Clerk to one J.K. Satpathy as per the direction of petitioner no.4, vide order dated 31.01.2013. Consequentially, he was relieved from Government Service w.e.f. 31.03.2013 on superannuation and handed over all charges of his post of Senior Clerk as well as other charges of additional posts, as per order dated 26.03.2013 issued by petitioner no.4. Opposite party no.1, having discharged the responsibilities of the post of Head Clerk w.e.f. 01.02.2010 to 10.01.2013 and the Divisional Accountant post simultaneously from 01.02.2010 to 06.01.2011, in addition to his own duties as a Senior Clerk, is entitled to additional remuneration for discharging additional duties as per Rule-96 of the Odisha Service Code. The tribunal, vide order dated 12.11.2014, directed the State-petitioners to grant higher officiating pay to opposite party no.1 for holding additional charge of Head Clerk with effect from 01.02.2010 to 10.01.2013, as has been given in the case of one Prakash Chandra Sahu, but limiting the payment of such officiating pay to one year, as prescribed in G.A. Department guidelines dated 03.11.2000 at Annexure-C to the

counter affidavit filed in the said O.A.

6. In view of such position, since opposite party no.1 has discharged his duty as Senior Clerk and remained in additional charge of the posts of Head Clerk and Divisional Accountant, he is entitled to officiating pay limiting to one year, as prescribed in G.A. Department guidelines dated 03.11.2000. Therefore, this Court does not find any error in the order dated 12.11.2014 passed by the tribunal in O.A. No.2663, which is hereby upheld. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE