

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18793 of 2022

Bidulata Biswal

.... Petitioner

-versus-

State of Odisha & Others

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
29.09.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State- Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) Directing the Opposite Parties to consider the case of the petitioner and extend the benefits for conferment of Class-II & Jr. Class-I status respectively along with retrospective financial benefits in compliance to Order dtd.21.11.1998 passed by learned OAT, Bhubaneswar in O.A No.2809 of 1994 confirmed by this Hon’ble Court in O.J.C. NO.7467 of 1999 vide judgment dtd.20.11.2008 and further confirmed by Hon’ble Apex Court by order dated 10.07.2009 and other financial benefits as admissible with consequential benefits with arrears including pension of husband and family pension thereof within a stipulated time with 12% interest”.

4. It is submitted that seeking extension of some benefit, the Petitioner approached the learned Tribunal in O.A. No.2809 of 1994 and the said Original Application was

disposed of vide order dated 21.11.1998 under Annexure-2 with following observations / directions:-

“4. For the above reasons their claim that they are entitled to be placed in the same rank as their counterparts is accepted we hold that there was no justification for excluding only the Police Ministerial Officers from the benefit of the Resolution at Anx-12”.

5. It is submitted that challenging such order passed by the learned Tribunal, the State-Opposite Parties approached this Court in OJC No.7467 of 1999 and this Court vide its judgment dated 20.11.2008 confirmed the order passed by the learned Tribunal.

6. It is further submitted that as against the order passed by this Court on 20.11.2008, the State- Opposite party moved the Hon'ble Apex Court and Hon'ble Apex Court vide order dated 10.07.2009 confirmed the order passed by the learned Tribunal by dismissing the Special Leave Petition vide order under Annexure-2-Series.

7. It is submitted that after confirmation of the order by the Hon'ble Apex Court, Opposite Party No.3 vide his letter dated 02.12.2013 under Annexure-3 requested the Government to implement the order passed by the learned Tribunal in O.A No.2809 of 1994.

8. Mr. Rath, learned counsel for the Petitioner submitted that thereafter when the Petitioner was not extended with the benefit by implementing such order, the Petitioner approached the authority, time and again. But in the meantime vide letter dated 01.11.2022 under Annexure-4, it has been indicated that due to non-availability of the service book of the Petitioner, the pay fixation has been

held up and accordingly the Petitioner is not getting the benefit of the order passed by the learned Tribunal way back in the year 1998.

9. Mr. Das, learned Addl. Standing Counsel for the State on the other hand submitted that due to non-availability of the service book of the Petitioner, the order passed by the learned Tribunal is yet to be implemented and some more time be given to take necessary action in the matter.

10. Heard learned counsel for the Parties. After going through the materials available on record, this Court finds that learned Tribunal disposed of the matter on 21.11.1998 and in the meantime more than 24 years have passed. Not only that the order passed by the learned Tribunal has been confirmed by this Court as well as by the Hon'ble Apex Court.

11. Therefore, taking into account the fact that the Petitioner is retired employee having retired since 31.03.2001, this Court while disposing the Writ Petition directs the Opposite Party No.1 to implement the order passed by the learned Tribunal on 21.11.1998 in letter and spirit and see that the benefit accrued from that order is extended in favour of the Petitioner without any further delay. This Court accordingly directs the Opposite Party No.1 to take up all possible measures and extend the benefit as due and admissible in favour of the Petitioner in terms of the order dated 21.11.1998 within a period of two months from the date of receipt of this order. The Petitioner is directed to produce a copy of this order before the Opposite Party No.1 within a period of seven days from the date of receipt of this order.

12. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

