

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13587 of 2016

Kasinath Mohapatra

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Petitioners

Mr. G.C. Mohanty, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

Mr. S. Jena, SC, S&ME Deptt.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

05.05.2022

Order No.

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This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.
4. Perused the record. It appears that the petitioner has filed this writ petition challenging the order dated 30.09.2014 passed in O.A. No.1364 of 2010, by which the State Administrative Tribunal, Bhubaneswar has rejected the claim of the petitioner with regard to higher scale of pay without being promoted or regularized in the said post following due procedure law and held that as he had discharged the duty in the higher post, he is entitled to the said scale of pay till 31.05.2000.
5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that as the petitioner, being an elementary teacher, cannot be granted the pay of secondary cadre, although he was deputed to work in the said cadre. Therefore, the tribunal is justified in passing the order dated 30.09.2014 in O.A. No.1364 of 2010 rejecting the

claim of the petitioner with regard to higher scale of pay without being promoted or regularized in the said post following due procedure of law.

6. On perusal of records, it appears that admittedly the petitioner, who belonged to elementary cadre, was continuing in the secondary cadre for a few months. As such, he was not promoted to the post of secondary cadre. Therefore, merely holding the post of secondary cadre for some time, the claim of the petitioner for higher scale of pay cannot be granted. Hence, the tribunal is justified in passing the order dated 30.09.2014 in O.A. No.1364 of 2010 rejecting the claim of the petitioner for higher scale of pay.

7. Accordingly, the writ petition merits no consideration and the same is dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE

