

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2313 of 2010

Pravakar Patri

.....

Petitioners

Mr.S. Mallick, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

07.02.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mallick, learned counsel for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School & Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to grant incentive allowance of two additional increments which was allowed and paid to the applicant from January, 1987 to October, 1996, with effect from November, 1996.

4. Mr. S. Mallick, learned counsel for the petitioner contended that though in compliance to the order passed by this Court the benefit of green card holder has been extended in favour of the petitioner from 24.05.1997, however the same has been withdrawn relying upon the Finance Department Office Memorandum dated 18.02.1992, which cannot sustain in the eye of law.

5. Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department contended that by virtue of the order of this Court in OJC No. 8134 of 1993, the petitioner

was extended with the benefit of green card holder granting the incentive allowance equal to twice the amount of increments vide order dated 24.05.1994, but by that time, the Finance Department Office Memorandum dated 18.02.1992 with regard to discontinuance of financial incentive to State Government servants holding green cards has seen the light of the day. The said fact was not brought to the notice of this Court and as such the same was not taken into consideration while directing for extension of the benefit. Subsequently since the said fact was came to the knowledge of the authorities, the said benefit was withdrawn. Therefore, no illegality has been committed.

6. Having heard learned counsel for both the parties and after going through the records, it is apparent that admittedly the petitioner possesses green card with effect from November 1996 and as such he is entitled to get the incentive allowance equal to twice the amount of increments and as per the government circular such amount since was not extended in his favour, he approached this Court in filing OJC No. 8134 of 1993. This Court directed the authorities to extend such benefit in favour of the petitioner. In compliance to the same such benefit was extended in favour of the petitioner. But in the meantime the Finance Department had passed an Office Memorandum on 18.02.1992 with regard to discontinuance of financial incentive to State Government servants holding green cards. This fact was not brought to the notice of this Court while passing the order in OJC No. 8134 of 1993. In any case, if the benefit has been extended in favour of the petitioner on the error of law, the authorities have got the

power to rectify their own mistake. Therefore, the stoppage of incentive allowance of two additional increments pursuant to the Finance Department Office Memorandum dated 18.02.1992 cannot be said to be faulted with. Thus, this court is not inclined to entertain the prayer made in this writ petition.

7. In view of the above, the writ petition stands dismissed.

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(DR. B.R. SARANGI)
JUDGE

