

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1809 OF 2010

<i>Biranchi Narayan Mishra</i>		<i>Petitioner</i>
		<i>Mr. G.R. Sethi, Advocate</i>
	Vs.	
<i>Collector-cum-District Magistrate, Kalahandi & Ors.</i>		<i>Opposite parties</i>
		<i>State Counsel</i>

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.02.2022

Order No.

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This matter is taken up through video conferencing mode.

2. Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. M.K. Balabantarai, learned Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking to quash the order dated 23.03.2010 under Annexure-6, by which the grievance of the petitioner has been rejected. He further seeks direction to the opposite parties to release the arrear dues consequent upon fixation of scale in the Head Sevak.

4. Mr. G.R. Sethi, learned counsel for the petitioner contended that though the case of the petitioner was recommended by opposite party no.3-District Welfare Officer, Kalahandi for grant of benefit to the post of Head Sevak, but opposite party no.1-Collector-cum-District Magistrate, Kalahandi has rejected the same vide Annexure-6 dated 23.03.2010. Therefore, the petitioner has approached this Court by filing this writ petition.

5. Mr. M.K. Balabantarai, learned Standing Counsel for the State contended that since the petitioner has not discharged the duty as Head Sevak, he has not been allowed to draw the pay prescribed for the post of Head Sevak. Therefore, opposite party no.1 is well justified in rejecting the claim of the petitioner vide Annexure-6 dated 23.03.2010.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the petitioner was appointed as Sevak and vide order dated 29.06.1992 under Annexure-1, he was selected for the post of Head Sevak. But, he has not resumed duty as Head Sevak pursuant to order dated 29.06.1992 and he was continuing as Sevak till he joins in the post of I.A.C.T. on promotion.

7. In view of such position, since the petitioner has not resumed duty as Head Sevak pursuant to order dated 29.06.1992 and he was continuing as Sevak till he joins in the post of I.A.C.T. on promotion, he is not entitled to draw the pay prescribed for the post of Head Sevak. Accordingly, the writ petition merits no consideration and the same is dismissed.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

