IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3126 of 2010

Gadadhar Parida ….. ***Petitioner***
Mr. P.K. Mohapatra, Adv.

Vs.

State of Odisha and others ….. ***Opposite parties***
State Counsel

CORAM:
DR. JUSTICE B.R. SARANGI

ORDER
03.02.2022

Order No.
01

This matter is taken up through video conferencing mode.

2. Heard Mr. P.K. Mohapatra, learned counsel for the petitioner and learned State Counsel.

3. The petitioner, who was working as a job contract employee, has filed this writ petition seeking direction to the opposite parties to take steps for sanction and payment of arrear dues in respect of pay protection, i.e., from the date of regularization of his service, within a stipulated time.

4. Mr. P.K. Mohapatra, learned counsel for the petitioner contended that similar question had come up for consideration before the Tribunal in O.A. No.2250(C) of 2004 and the tribunal, vide order dated 29.08.2011, holding that the order of the finance department dated 15.05.1997 is not applicable to the applicants and the cancellation of the benefit already extended to the applicants is not tenable, quashed the same, and accordingly directed the opposite parties to restore the benefits to the applicants, as was granted to them, prior to passing of the impugned order dated 15.05.1997. The said order of the tribunal was challenged by the State before this Court in W.P.(C) No.6895 of 2013 and in turn a Division Bench of this Court, vide order dated 02.03.2016, confirmed the order passed by the tribunal. Accordingly, the benefit has been extended to the applicants in O.A. No.2250(C) of 2004 disposed of on 29.08.2011. It is further contended that in a similar matter, i.e., State of Odisha v. Padmalochan Kalia (W.P.(C) No.22327

of 2013 disposed of on 21.03.2017), State preferred SLP (C) Diary No.40571 of 2017, which was also dismissed vide order dated 19.01.2018. Therefore, it is contended that the petitioner's case is fully covered by the aforesaid orders and, thereby, he is entitled to get the pay protection in terms of the aforesaid orders.

5. Learned State Counsel looking at the orders passed by this Court as well as the apex Court, does not dispute the position.

6. In the above view of the matter and after hearing learned counsel for the parties, this writ petition stands disposed of directing the opposite parties to extend the benefit to the petitioner at par with the order passed by this Court on 02.03.2016 passed in W.P.(C) No.6895 of 2013, by which the order of the tribunal dated 29.08.2011 passed in O.A. No.2250(C) of 2004 has been confirmed and also subsequent order passed by this Court on 21.03.2017 in W.P.(C) No.22327 of 2013, which has been confirmed by the apex Court vide order dated 19.01.2018 in SLP (C) Diary No.40571 of 2017, within a period of six months from the date of production of a certified copy of this order.

7. 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.

Alok

(Dr. B.R. Sarangi)
Judge