

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3703 of 2010

Mangala Charan Behera

.....

Petitioner

Mr. S. Behera, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

*Mr. M. Balabantaray, Standing
Counsel*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

09.02.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this writ petition seeking to quash the orders under Annexures-2 and 3, by which the benefit which has been paid to the petitioner in shape of salary component has been directed to be recovered.

4. Mr. S. Behera, learned counsel for the petitioner contended that similar question had come up for consideration before the Odisha Administrative Tribunal in O.A. No. 694 (C) of 2011 (*Laxmidhar Mohanta vs. State of Orissa and others*) and batch of Original Applications, which were disposed of by the common order dated 11.04.2012, whereby the Tribunal protected the interest of the petitioners and as such no recovery had been made. According to him, since the petitioner stands in the same footing, the said benefit should have been extended in favour of the petitioner.

5. Mr. Balabantaray, learned Standing Counsel for the State

has no objection to the aforesaid submission made by learned counsel for the petitioner.

6. In view of the above this writ petition stands disposed of in terms of the observation/direction given in the order dated 11.04.2012 passed in O.A. No. 694 (C) of 2011.

7. Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI, J.)

