

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1874 OF 2018

Basudev Nayak

.....

Petitioner

Mr. B.R. Barik, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

19.09.2022

Order No.

1

This matter is taken up by hybrid mode.

2. Heard Mr. B.R. Barik, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to compute his arrear differential salary which has been recovered from D.C.R.G. w.e.f. 01.01.1985 to 30.04.2007 and fix the pensionary benefit accordingly taking the scale of pay of Rs.1080/- 1800/- w.e.f. 01.05.1989 and pay the entire dues within a stipulated period.

3. Mr. B.R. Barik, learned counsel for the petitioner contended that similar matter had come up for consideration before the Tribunal in Binod Bihari Das v. State of Odisha (O.A. No.2230(C) of 2013 & batch, disposed of on 19.01.2018, wherein the Tribunal has directed that any recovery from DCRG or otherwise made in consonance with such wrongful refixation of salary shall be refunded to the petitioners therein and the petitioners shall be entitled all the retiral benefits on the basis of the scale of pay/salary drawn

by them on the date of their retirement. Since the petitioner stands on the same footing, he is entitled to get all the benefits along with retiral benefits on the basis of the scale of pay/salary drawn by him on the date of his retirement

4. In such view of the matter, this writ petition stands disposed of in terms of the order dated 19.01.2018 passed by the Tribunal in O.A. NO.2230 (C) of 2013.

5. Issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI)
JUDGE

