

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.1963 of 2018

Sarojini Devi

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

28.09.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. T.K. Biswal, learned counsel for the Petitioner and Mr. N.N. Satapathy, learned Standing Counsel appearing for the Opp. Parties.
3. Even though a prayer has been made to quash the order at Annexure-5, but this Court finds that Annexure-5 is a deposit slip made by the Petitioner pursuant to the direction issued by the DEO, Puri.
4. It is submitted that the Petitioner on compulsion deposited a sum of Rs.44,729/- (Rs. Forty four thousand seven hundred twenty nine) on 22.05.2010 in terms of the order passed by the Director of Secondary Education on 31.10.2009 and order dtd.02.01.2010 of the then Inspector of School, Puri.

5. Mr. Biswal, learned counsel for the Petitioner submitted that the Petitioner is not liable to pay the said amount and under compulsion and taking into account the fact that the Petitioner was going to be retired on 30.06.2022 deposited the said amount. But it is submitted that the Petitioner is entitled to get back the said amount in view of the order passed in similar case by the learned Tribunal in O.A. No.569 of 2010 under Annexure-6.

6. It is submitted that pursuant to the said order passed by the learned Tribunal in O.A. No.569 of 2010 the Petitioner therein has been refunded with the amount as reflected in Annexure-8. Accordingly, Mr. Biswal submitted that the Petitioner is also entitled to get back the amount deposited by her under Annexure-5.

7. Mr. Satapathy, learned Standing Counsel on the other hand submitted that the Petitioner be directed to move the Authority for consideration of his case in the light of the order passed by the learned Tribunal in O.A. No.569 of 2010.

8. Considering such submission made by learned counsel for the Parties, this Court while disposing the writ Petition, permits the Petitioner to move an application seeking refund of the amount before the O.P. No. 2 within a period of two (2) weeks from today.

9. It is observed that if any such application is filed within the aforesaid time period, O.P. No. 2 shall take a lawful decision on the same and while taking such a decision the order passed by the learned Tribunal in O.A. No. 569 of 2010 and its compliance made in Annexure-8 of the writ Petition shall be taken into consideration. On such consideration if it is found that the Petitioner is entitled to

get back the amount, appropriate order be passé in that regard. The entire exercise shall be completed within a period of 3(three) months from the date of receipt of this order along with the representation.

10. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

