

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC (OA) No.2052 of 2018

Jacob Ch. Lima

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.9.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. T.K. Biswal, learned counsel for the petitioner and Mr. B. Panigrahi, learned A.S.C.
3. The present writ petition has been filed with the following prayer.

To direct the respondents to give all consequential service and financial benefits as has been given to Respondent No.5 as per Annexure-6”.

4. It is submitted that vide order dated 9.9.2010 under Annexure-3 though the petitioner basing on the recommendation of the D.P.C was promoted to the rank of TGT Arts but vide order dated 10.9.2010 under Annexure-4, the order of promotion was cancelled and in place of petitioner, the private opp. party was promoted to the said rank. Mr. Biswal, learned counsel for the petitioner submitted that challenging the said order dated 10.9.2010 passed under Annexure-4, the petitioner approached the learned Tribunal in O.A. No.1218 of 2010. Learned

Tribunal vide order dated 12.3.2015 disposed of the said Original Application with the following order:

“Thus, the applicant is entitled for consideration for promotion to the post of T.G. Science Teacher prior to consideration of the case of Resp. No.5. Since Annexure-5, the impugned order has been issued pursuant to recommendation of DPC on 27.7.2010, apparently to correct a mistake, we do not like to quash the same, but instead, we direct the respondents to convene a Review DPC and consider the promotion of the applicant with effect from the date Resp. No.5 was promoted and extend him all consequential service and financial benefits as has been given to Respondent No.5. The entire exercise be completed within a period of four months from the date of receipt of a copy of this order.”

5. It is submitted that pursuant to the said order passed by the learned Tribunal on 12.3.2015 though the petitioner was given promotion vide order dated 4.3.2017, but the financial benefit as due and admissible in terms of the order passed by the learned Tribunal since was not extended, the present writ petition has been filed.

6. Even though notice of the Writ Petition was issued since 14.8.2018, but no counter has been filed by the opp. parties.

7. This Court after going through the order passed by the learned Tribunal under Annexure-5 finds that learned Tribunal while directing opp. party no.5 to consider the case of the petitioner for his promotion also held that the petitioner be given consequential service and financial benefits as has been given to opp. party No.5. This Court further

finds that vide order under Annexure-4, opp. party No.5 has been given promotion to the post of TGT (Science) in place of the petitioner .

8. In that view of the matter and in view of the fact that the petitioner pursuant to order dated 12.3.2015 has been given promotion w.e.f 4.3.2017, this Court while disposing the writ petition directs opp. party No.2 to extend the financial benefit as due and admissible in favour of the petitioner for the period in question in terms of the order of the learned Tribunal dated 12.3.2015 within a period of three months from the date of receipt of this order.

9. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Sangita

