

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.236 of 2018

Minati Kumar Nayak

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.10.2022

Order No

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. N. Prusty, learned Standing Counsel appearing for the Opp. Parties.

3. The Petitioner has filed the present writ Petition with the following prayer:-

- “(a) The Original Application be allowed.
(b) The respondents be directed to grant TG. Scale of pay to the Applicant as per the decision of Hon'ble High Court of Orissa dt.7.4.2017 passed in WP (C) No 25622/2014;
(c) The Respondents be directed to grant T.G. scale of pay in favour of Applicant w.e.f. date of appointment w.e.f.1.7.1987 notionally and actual financial benefits w.e.f. 1.6.2006 and accordingly release the arrears within a date to be fixed by this Hon'ble Tribunal;
(d) Such other order/orders be passed granting complete relief to the applicant.”*

4. It is submitted that the claim as made in the writ Petition is squarely covered by a decision of the learned Tribunal passed on 14.08.2013 in O.A. No. 3124(C) of 2008 under Annexure-7. It is also submitted that the said order was challenged before this Court

in W.P.(C) No.25622 of 2014 and this Court vide its order dtd.07.04.2017 while dismissing the writ Petition filed by the State confirmed the order passed by the learned Tribunal on 14.08.2013. It is also submitted that the Petitioner in O.A. No. 3124(C) of 2008 in the meantime has been extended with the benefit after dismissal of the writ Petition filed by the State vide order dtd.14.09.2017.

5. In that view of the matter the Petitioner is also entitled to get the benefit as prayed for in the writ Petition. O.P. Nos.2 & 3 are directed to extend the benefit as has been extended in favour of the Petitioner in O.A. No. 2134(C) of 2008. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this order.

6. The writ Petition is disposed of accordingly

(Biraja Prasanna Satapathy)
Judge

Sneha

