

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 353 of 2018

Bijaya Kumar Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.12.2022

Order No

- 03.** 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.N. Satapathy, learned Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed with the following prayer:-

“(a) The Original Application be allowed;

(b) The order of rejection dt.20.01.2018 under Anenxure-15 be quashed;

(c) The consequently order issued by the Respondent No. 4 dt.01.02.2018 under annexure-16 be quashed.

(d) The Respondents be directed to release salary of the Applicant for the period from 1.7.2013 to 28.02.2015 with 18% interest treating the said period as duty.

(e) Such other order/orders be passed granting complete relief to the applicant.”

4. It is contended that similar claim raised by one Rabinarayan Panda in W.P.C.(OAC) No. 1666 of 2017 was allowed by this

Court vide order dtd.13.09.2021 and pursuant to the said order the Petitioner Rabinarayan Panda therein has been extended with the salary for the period in question. But in the present writ petition the claim of the Petitioner has not been considered till date even though the Petitioner has discharged his duty for the period 01.07.2013 to 28.02.2015.

5. In spite of opportunity given to the learned State Counsel, no information was provided with regard to the claim made by the Petitioner.

6. Having heard learned counsel appearing for the Parties and in view of the order passed by this Court in a similar matter on 13.09.2021, the present writ petition is also disposed of in the light of the said order. However, it is only observed that prior to release of the salary for the period 01.07.2013 to 28.02.2015, O.P. No. 5 shall verify as to whether the Petitioner has in fact rendered his duty for the period in question from the Headmaster of the concerned school and on being satisfied, make necessary arrangement for release of the salary in question. It is however observed that after release of the salary for the period in question, the increments and other benefits as due and admissible to the Petitioner be considered and released. The entire exercise shall be completed within a period of four (4) months from the date of receipt of this order.

7. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha