

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.835 of 2018

Sarada Charan Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.10.2022

Order No

02.

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

2. Heard Mr. Satyajit Behera, learned counsel for the petitioner and Mr. N.N. Satapathy, learned Standing Counsel.

3. The present writ petition has been filed with the following prayer:

“Under the circumstances, it is humbly prayed therefore that the Hon’ble Tribunal may graciously be pleased to quash the order dtd.13.03.2018 passed by Respondent No. 1 under Annexure-18.

And further be pleased to direct the Respondents to regularize the service of the applicant w.e.f. 01.04.2001 till 28.03.2003 as has been extended in favour of Pratap Chandra Das and Suryanandan Parija under Annexure-15 series.

And further be pleased to direct the Respondents to regularize the service of the applicant w.e.f 20.09.1997 as he has joined in the post of Jr. Clerk under Rehabilitation Assistant Scheme 1990.

And further be pleased to direct the Respondents to give all consequential service financial benefits, such as seniority during his course of employment, retiral benefits after superannuation;

Such other order/orders be passed granting complete relief to the applicant or pass such other

order(s)/direction(s) as this Hon'ble Tribunal may think fit and proper, And allow this Original Application with Cost;

4. It is submitted that similar claim was not only allowed by the learned Tribunal in its order dated 12.3.2018 in O.A. No.98 of 2016, but also the said order has been implemented, after being confirmed by this Court in its order dated 15.4.2021 in W.P.(C) No.13594 of 2020. It is submitted that the claim of the petitioner is similar to the claim which has been allowed by the Government in terms of the aforesaid order dated 12.3.2018 passed in O.A. No.98 of 2016. Accordingly, Mr. Behera submitted that the matter be remitted back to Opp. party No.1 for taking a fresh decision in the light of the order passed on 12.3.2018 and implemented vide order dated 11.2.2022 of the Director, Secondary Education, Orissa, Bhubaneswar.

5. Mr. N.N. Satapathy, learned Standing Counsel on the other hand did not any object with regard to such prayer made by Mr. Behera.

6. Having heard learned counsel for the parties and in view of the fact that similar order passed by the leaner Tribunal has been implemented in the meantime, this Court while quashing the order dated 13.03.2018 under Annexure-18 directs Opp. Party No.1 to take a fresh decision on the claim of the petitioner in the light of the order passed in O.A. No.98 of 2016. Such fresh decision shall be taken and communicated to the petitioner within a period of three months from the date of receipt of this order.

7. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha