

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 773 of 2018

Kiranbala Behera

.....

Petitioner

Mr. S. Behera, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. Behera, learned Counsel for the Petitioner and Mr. S. Rath, learned Additional Standing Counsel for the State.

3. The Petitioner has filed this Writ Petition seeking to quash the Order dated 22.03.2018 under Annexure-4, issued by the Chief District Medical & Public Health Officer, Cuttack on the basis of the order dated 09.08.2016 issued by the Government of Orissa Finance Department to the Principal Secretary, Health and Family Welfare Department, by which, Opposite Party No.1 was directed to issue necessary instruction to the Sub-Ordinate Officers to revise the entitlement of MPHWS (M) & (F) from 01.01.2003 to 30.06.2015 effecting recovery of the excess amount drawn by extending promotional Pay and Grade Pay under RACPs, and also the consequential order dated 01.09.2016 under Annexure-3, by which Opposite Party No.1 directed Opposite Party No.2 to take necessary action to revise the entitlements of MPHWS (M) & (F) from 01.01.2003 to 30.06.2015 effecting recovery of the excess

amount drawn by extending promotional Pay and Grade Pay under RACPs under intimation to the Department.

4. Mr. S. Behera, learned Counsel for the Petitioner contended that the impugned orders were challenged in batch of Original Applications before the Orissa Administrative Tribunal, one of such Original Application is O.A. No. 4679 (C) of 2016, wherein the impugned orders dated 09.08.2016 and 01.09.2016 have already been quashed. Therefore, the present Writ Petition may be disposed of in terms of the order dated 18.05.2018 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 4679 (C) of 2016.

5. Mr. S.N. Nayak, learned Additional Standing Counsel for the State contended that if the impugned orders have already been quashed in the aforesaid O.A., this Writ Petition may be disposed of in terms of the order passed in the said O.A.

6. In view of the above, since the impugned orders dated 09.08.2016 and 01.09.2016 have already been quashed vide order dated 18.05.2018 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 4679 (C) of 2016 and nothing is placed on record to show that the said order passed by the Tribunal has ever been challenged before this Court, consequentially, the order under Annexure-4 dated 22.03.2018 is hereby quashed. Accordingly, this Writ Petition stands disposed of in terms of the aforesaid order dated 18.05.2018 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 4679 (C) of 2016.

(DR. B.R. SARANGI)
JUDGE

