

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.2600 of 2018

Mahadev Panda

.... Petitioner

-versus-

State of Odisha & Ors.

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
23.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State- Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) The Hon’ble Tribunal be pleased to direct the respondents to give all consequential service and financial benefits for all purposes as per Rule 91(2) and (4) of the Odisha Service code within a stipulated time;

(ii) The Hon’ble Tribunal be pleased to direct the respondents to fix pay of the applicant under ORSP Rules, 1989 w.e.f. 1.5.1989 and subsequent revised ORSP Rule till the date of his retirement in his post i.e. in the post of Senior Clerk-cum-Jr. Accountant and accordingly fix the pension on the same from the date i.e. 01.09.2002, that is after date of retirement within a stipulated time;

(iii) The Hon’ble Tribunal be pleased to direct the respondent No.2 to disburse all the differential arrears on the aforementioned pay fixation in the post of Senior Clerk-cum-Junior Accountant w.e.f 1.5.1989 and the

differential pensionary benefits with interest to the applicant at the market rate within a stipulated time

And

(iv) The Hon'ble Tribunal be pleased to pass such other order/orders as is deemed fit and proper under the facts and circumstances of the case".

4. Learned counsel for the Petitioner submitted that the Petitioner has retired from service w.e.f. 31.08.2002, but his service was not regularized with extension of the benefit of revised pay scale because of the pendency of the criminal proceeding.

5. Learned counsel for the Petitioner further submitted that on his acquittal in the said criminal proceeding the service period though was regularized vide order dated 22.10.2007 under Annexure-2, but the benefit as prayed for in the Writ Petition was never extended.

6. Even though no counter affidavit has been filed, but this court after going through the materials available on record finds that the Petitioner prior to approaching this Court has not ventilated his grievance before the authority concerned.

7. In that view of the matter, this Court while disposing the Writ Petition permits the Petitioner to approach the Opposite Party No.1. It is observed that if any such application is moved within a period of two weeks from today, the Opposite Party No.1 shall take a lawful decision on the same within a further period of two months. On such consideration, if it is found that the Petitioner is entitled to get the relief as prayed for, necessary

consequential action be taken by the Opposite Party No.1 within a further period of two months.

8. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

