

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.2070 of 2018

Rama Chandra Mohapatra

....

Petitioner

Mr. C.S. Panda, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. P.K. Mohanty, ASC

CORAM:

JUSTICE M.S. RAMAN

ORDER

20.09.2022

Order No.

05.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 2070 of 2018 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 2070 of 2018.
3. Being aggrieved by the communication of Deputy Director (GCB), dated 25th February, 2017 addressing to the Principal of BJB Autonomous College, Bhubaneswar with regard to Ex-post facto approval of Time Bound Advancement Scale (TBA) sanctioned in favour of the Petitioner, namely, Sri Rama Chandra Mohapatra, Sr. Clerk, BJB Autonomous College, Bhubaneswar the Petitioner has approached this Court. The contents of the said letter is extracted herein below:-

“In inviting a reference to your letter cited above on the subject, I am directed to say that after thorough verification of Original service book and other documents of Sri Rama Chandra Mohapatra, Sr. Clerk, BJB Autonomous College, BBSR, it is revealed that the services of Sri Mohapatra has been regularized w.e.f.

01.07.1985 instead of 21.04.1994 in contravention of Govt. in Higher Education Department, Odisha letter No. 18339/HE dated 3rd April, 1999. Accordingly, Sri Mohapatra has enjoyed all financial benefits including promotion which needs correction in order to regularize the services of Sri Mohapatra.

Therefore, you are, requested to take necessary steps to regularize the period of services of Sri Mohapatra, i.e. from 01.07.1985 to 20.04.1994 as per instruction of Govt. in Higher Education Department, Odisha letter No. 18339/HE dated 03.04.1999 and report compliance immediately for taking further action.

The original Service Book of Sri Rama Chandra Mohapatra, Sr. Clerk is returned herewith which may kindly be acknowledged.”

4. By filing a representation to the Principal Secretary to Government, Department of Higher Education, Odisha, Bhubaneswar, the Petitioner had submitted that he joined the Government Women's College, Puri in the post of Library Attendant on 15th June, 1981 and was promoted to the post of Junior Clerk on 1st July, 1985. Thereafter, his service has been regularized by the Government in the Department of Higher Education on recommendation of the Committee pursuant to a direction contained in the order passed by the Administrative Tribunal, Odisha, Bhubaneswar vide No. 4823, dated 20.06.1997 which is to the following effect:-

- “a) They shall be entitled to count their seniority from 21.04.1994 i.e. the date of regularization of their service.
- b) Their pay in the post of Junior Clerks shall be fixed nationally taking into account their past service as Junior Clerk.
- C) They shall not be entitled to arrears of differential Pay.”

The Petitioner stated that his pay was fixed notionally by the Director of Higher Education, Odisha taking into

account his past service as Junior Clerk and thereafter, he was promoted to the Post of Senior Clerk vide order No.56381, dated 23rd December, 2011. Consequent thereto, he was allowed the 2nd Assured Career Progression from 1st July, 2010 and Revised Assured Career Progression (2nd) from 1st January, 2013 vide order No.43311, dated 30th October, 2012 and order No.22311, dated 24th June, 2014. Therefore, he made request to the authority concerned for consideration of regularizing the Time Bound Advancement and promotion along with consequential service benefits from the date he joined as Junior Clerk with effect from 1st July, 1985.

5. Learned Tribunal while issuing notice on 27th August, 2018 has passed an interim order to the effect that pendency of the case would not be bar for the Opposite Parties to consider the representation of the Petitioner.

6. At the time of hearing today, Mr. C.S. Panda, counsel for the Petitioner submitted that he has no instruction in this matter.

7. In such view of the matter, by efflux of time, the writ petition has been rendered infructuous. Hence, the writ petition is dismissed as infructuous.

(M.S. Raman)
Judge

Laxmikant