

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3993 of 2016

Dillip Kumar Das

.....

Petitioner

Mr.S.K. Ray, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

22.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Khandayat Ray, learned counsel for the petitioner and Mr. Patjoshi, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to adjust him in a trained P.E.T. post in the Jagatsinghpur circle, as some post of PRT are lying vacant, and allow him to draw the trained scale from the date he completed the C.P.Ed. qualification, by quashing the order dated 27.09.2016 under Annexure-8, by which his representation has been rejected. He further seeks direction to the opposite parties to give all other service and financial benefits within a stipulated time.

4. Mr. S. Khandayat Ray, learned counsel for the petitioner at the outset stated that now the relief, which has been sought in the writ petition, is no more subsisting, because the petitioner has retired from service in the meantime. But fact remains, on attaining the age of 48 years, the petitioner is entitled to the benefits of higher scale of pay in view of the proviso to Rule-16(2) of the Odisha Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974.

5. Mr. Patjoshi, learned Standing Counsel for School and Mass

Education Department contended that if the petitioner claims the aforesaid benefit w.e.f. attaining the age of 48 years, the same can be considered by the authority in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner does not want to press the relief, as claimed in the writ petition. On the other hand, he wants a direction to the extent that on attaining the age of 48 years, he is eligible to get trained matric scale of pay, which has been admitted in paragraph-11 of the counter affidavit filed by the opposite parties to the following effect:

“That, it is humbly submitted that the petitioner was appointed under R.A. scheme having plus two Arts qualification and without any training qualification and without any training qualification against Matric C.T. post in un-trained T.M. scale of pay of Rs.780-1160/- vide order No.7200 dated 08.06.1990 of erstwhile Inspector of Schools, Cuttack-III Circle, Cuttack. The petitioner on completion of 48 years of age is eligible to get Trained Matric scale of pay of Rs.5200-20200 with Grade pay of Rs.2200/-(Pre-revised Rs.1080/-) with effect from 07.11.2009 as his date of birth is 07.11.1961.”

7. In view of the above statement made in the counter affidavit, the opposite parties are directed to consider the case of the petitioner for grant of trained matric scale of pay, i.e. Rs.5200/- to Rs.20,200/- with grade pay of Rs.2200/- (pre-revised Rs.1080/-) with effect from 07.11.2009, as his date of birth is 07.11.1961 in accordance with law and accordingly grant such benefit in favour of the petitioner.

8. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok