

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAS) No.27 of 2016

Nirupama Swain

....

Petitioner

-versus-

State of Odisha & others

....

Opp. Parties.

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
14.7.2022**

Order No

- 1.** 1. This matter is taken up through Hybrid Mode.
- 2.** 2. Heard Mr. S.K. Purohit, learned counsel for the petitioner and learned A.G.A.
- 3.** 3. This Writ Petition has been filed with the following prayer.

“(a) Hon’ble Tribunal may kindly declare that the pay fixation order dated 8.8.2013 at Annexure-2 is legal and proper and the pay fixation order of the applicant dated 4.2.2015 is illegal and the order at Annexure-3 dated 4.2.15 may kindly be quashed.

(b) Hon’ble Tribunal may kindly further declare that the excess payment made if any to the applicant as per her pay fixation order dated 4.2.15 (Annexure-3) is not permissible for recovery and the recovery order dated 9.9.15 at Annexure-4 and Annexure-4/1 so far it relates to the applicant may kindly be quashed.

(c) any other relief to which applicant is entitled may kindly be allowed as considered fit and proper considering facts and legal provisions of law stated at Para-6 above.

(d) Hon’ble Tribunal may kindly allow this application with cost”.

4. It is submitted that some similarly situated teachers in the meantime were regularized in the year 1997 vide order dated 12.1.2021, but the petitioner has not been extended with such benefits.

5. In view of such submission, liberty is granted to the petitioner to file individual representation before Secretary, Department of Health & Family Welfare Govt. of Odisha, Secretariate, Bhubaneswar- Opp. Party No.1 ventilating their grievances within a period of three weeks from today.

6. It is observed that if any such application is filed, Opp. party No.1 shall take a lawful decision on the same within a period of 3 (Three) months from the date of receipt of such representation. It is observed that while taking such a decision, the stand taken by the petitioner that similarly situated persons have been extended with the benefit w.e.f 1.9.1997 vide order dated 12.1.2021 be taken into consideration.

7. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat