

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) NO.1074 OF 2015

Ashok Kumar Nayak

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.9.2022

Order No

- 3.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. B.D. Satpathy, learned counsel for the petitioner.
3. The petitioner files this writ petitions seeking direction to the opposite parties to re-fix the scale of pay of the petitioner in Trained Graduate Scale of pay with effect from 3.10.1994 and to release the arrears from 3.10.1994 till 4.10.2005 with interest @ 6% as per the decision of this Court in W.P.(C) No. 13361 of 2006.
4. Mr. B. Satapathy, learned counsel for the petitioner submits that the case of the petitioner is fully covered by the judgment rendered in the case of Madhab Chandra Podh v. State of Orissa & 4 others, 1998 (II) OLR 334. According to him, relying on the said decision, the Tribunal had passed an order on 31.01.2006 in O.A. No. 1045 (C) of 2004. The said order passed by the Tribunal was challenged before this Court in W.P.(C) No. 13361 of 2006 and this Court vide order dated 08.10.2015 upheld the direction of the

2 Tribunal to extend T.G. Scale of pay in favour of the applicant to the O.A. with effect from 21.01.1999 and release the arrear on account of the same with interest @ 6% per annum. Against the said order, the State had preferred Special Leave to Appeal (C) CC No. 17918 of 2016 (State of Orissa and others v. Kamadev Routray), which was dismissed vide order dated 30.09.2016, thereby the order of the Tribunal has been confirmed. Learned Counsel for the petitioner contended that since the petitioner stands in the same footing, such benefits ought to have been extended in favour of the petitioner.

5. Mr. Prusty, learned Standing Counsel for the School & Mass Education Department contended that if the similar question has already been decided by this Court, there is no reason to keep the matter pending instead of directing the authorities to examine the case of the petitioner in terms of the aforesaid decisions and take a decision on the same.

6. Having heard learned counsel for both the parties and going through the records, since the claim of the petitioner is similar to the claim of Kamadev Routray (supra) and also Madhab Chandra Podh (supra), the same shall be considered and disposed of in terms of the such decisions and the benefits as due and admissible to the petitioner along with interest @ 6% per annum from the date of his entitlement till the actual payment is made in favour of the petitioner, shall be extended in his favour. The entire exercise

shall be completed within a period of three months from the date of commutation of the order.

7. With the above observation and direction, the writ petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Sangita

