

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.169 of 2015

Jaga Mohan Sunyani

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.06.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S.K. Joshi, learned counsel for the Petitioner and Mr. G.N. Rout, learned Addl. Standing Counsel appearing for the State-Opp. Parties.
3. The Petitioner is aggrieved by the communication issued by the Director-O.P. No. 2 under Annexure-9.
4. It is submitted that vide the said communication O.P. No. 2 was directed to fix the pay in terms of the order issued on 03.08.1992. It is submitted that Petitioner on his promotion was allowed the scale of pay of Rs.975/- to Rs.1,660/-. It is accordingly submitted that the direction contained in the communication dt.28.11.2014 under Annexure-9 is illegal. But it is submitted by the State counsel that since the said scale of pay was allowed wrongly, the

communication under Annexure-9 was issued with a direction to fix the pay in terms of order dtd.03.08.1992.

5. Mr. Joshi, learned counsel for the Petitioner submitted that pursuant to the said order the pay of the Petitioner has been fixed in the scale of pay of Rs.950/- to Rs.1,500/- and he is in receipt of the same. Since question of recovery of any amount is not there in the communication under Annexure-9, the apprehension of the Petitioner that recovery will be made is not well founded. Accordingly, this Court disposed of the writ Petition with the observation that if the Authority desires to make any recovery, the Petitioner will be given reasonable opportunity of hearing and the matter will be decided on its own merit.

6. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha