

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.1199 of 2014

Udayanath Pradhan

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp.parties

Mr. R.C. Pattnaik, Standing Counsel
(School and Mass Education) for O.Ps. 1 to 4
Mr. P.K. Mohanty, ASC for O.P. No.5

**CORAM:
JUSTICE M.S.SAHOO**

ORDER
28.11.2022
(Hybrid Mode)

Order No.

2. 1. None appears for the petitioner, when the matter is called.
2. When the matter was last listed on 26.10.2022, it was considered in some detail and considering the submissions of the counsel for the parties as well as the counter filed by the respondent no.4, the following order was passed:-

"2. The writ petition has been registered before this Court on 16.08.2021 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Principal Bench, Bhubaneswar upon abolition.

3. On perusal of the available order sheets of the learned Tribunal, it is indicated that by order dated 24.09.2014, learned Tribunal observed "orders passed vide O.A. – 1194 of 2014". On subsequent dates on 16.10.2015 and 30.10.2017, the learned Tribunal has referred to the order passed vide OA-141/2003. Since reference of those O.As. are not available for reference, this Court is not in a position what exactly transpires in those orders.

4. Counter filed by the Respondent No.4 before the learned Tribunal, Block Education Officer, Daspalla dated 14.08.2014 is available on record.

5. The O.A. was filed by the applicant in the year 2014, when he was aged about 77 years and worked as Headpandit, Primary School, At-Similisahi, P.S.-Daspalla, Dist-Nayagarh, seeking a direction to pay the differential arrear dues in pensionary benefits like gratuity, leave salary and

pension w.e.f. 01.01.1995 after re-fixing the scale of pay notionally w.e.f. 01.04.1961 and in the subsequent revised scale of pay up to 31.12.1994 as per ORSP Rules 1989 and he headpandit scale as per ORSP Rules 1989.

6. Learned counsel for the petitioner submits that he has definite instruction that the petitioner has passed away and may be accommodated to obtain instruction from the legal heirs.

7. Learned Standing Counsel for the School and Mass Education Department in response submits that apart from the submissions on merit that the O.A. is grossly barred by limitation as it has been filed after 20 years of petitioner's having retired and raising a grievance for fixation of pay w.e.f. 01.04.1961 and 01.01.1995 that almost after 53 years of 01.04.1961 and 20 years of 01.01.1995, nothing would survive after the applicant/petitioner has passed away.

8. Having heard learned counsel for the parties, as prayed for by the learned counsel for the petitioner, list on 17th November, 2022."

3. The learned Standing Counsel for the School and Mass Education Department reiterates the submissions on behalf of the opposite parties as noted in the order dated 26.10.2022.

4. Having heard learned Standing Counsel, due to lack of prosecution by any of the legal heirs of the deceased-petitioner, the writ petition is dismissed.

(M.S.Sahoo)
Judge