

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) (OAC) No.3688 of 2016

Chandmal Sharma

.... Petitioner

-versus-

State of Odisha & Others

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
07.02.2023**

Order No

06.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Counter affidavit filed in Court be kept on record.
- 3.** Heard Mr. A.K. Mohapatra, learned counsel for the Petitioner and Mr. N.N. Satapathy, learned Standing Counsel for School & Mass Education Department.
- 4.** The present Writ Petition has been filed *inter alia* with the following prayer:-

“ Under these circumstances, it is humbly prayed that this Hon’ble Tribunal may graciously be pleased to allow this Original Application with:

- (i) Necessary direction to the Respondents to allow the applicant Matric C.T. Scale of pay from the date as his regular Counter parts have been allowed i.e. 01.05.1989 under the ORSP Rules, 1989, 1996 and 2008 with all consequential service benefits forthwith or within a time to be stipulated by this Hon’ble Tribunal.*
- (ii) The respondents be directed to pay the consequential differential arrear salary in such property fixed scale of pay forthwith or within a time to be stipulated by this Hon’ble Tribunal in view of recurring continuous cause of action.*

(iii) *Or pass any other order/orders as this Hon'ble Court deems fit and proper".*

5. It is contended that earlier the Petitioner claiming the benefit had approached the Tribunal in O.A. No.3008(C) of 2008. The Tribunal vide its order under Annexure-8 dated 24.12.2008, disposed of the matter with a direction on Opposite Party No.1 to take a decision on the claim of the Petitioner. It is contended that in spite of such order, no decision has been taken and the Petitioner in the meantime has retired from his service.

6. Mr. N.N. Satapathy, learned Standing Counsel for School & Mass Education Department on the other hand made his submission basing on the stand taken in the counter affidavit. It is contended that the claim of the Petitioner as directed by the then Tribunal in O.A No.3008(C)/2008 was forwarded to the Government by the District Inspector of Schools, Bamanghati, Rairangpur vide his letter dated 19.05.2009 under Annexure-D/3 and no further communication is available in the matter.

7. Having heard learned counsel appearing for the Parties and taking into account the stand taken by the Opposite Parties in their counter and taking into account the communication issued under Annexure-D/3, this Court while disposing the Writ Petition directs Opposite Party No.1 to take a decision on the recommendation made by the District Inspector of Schools, Bamanghati, Rairangpur under Annexure-D/3 within a period of two months from the date of receipt of this order. The order so

passed be communicated to the Petitioner within the aforesaid time period.

8. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

