

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3335 of 2016

Amarendra Patnayak

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
14.09.2022**

Order No

02. I.A. No.862 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Considering the grounds taken, the order dtd.17.08.2022 is hereby recalled.
3. I.A. is disposed of.

**(Biraja Prasanna Satapathy)
Judge**

03. W.P.(C)(OAC) No.3335 of 2016

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. D.N. Mishra, learned counsel for the petitioner, Mr. Babu, learned AGA appearing for the State and Mr. P.C. Behera on behalf of Mr. J.K. Mishra, learned Sr. Counsel appearing for O.P. No. 3.

3. The petitioner, who was working as a Demonstrator in Botany in MPC (Autonomous) College, Baripada, Mayurbhanj, has filed this writ petition claiming UGC scale of pay of Rs.1740-3000/- and subsequent scale of pay of Rs.2200-4000/- as per the decision of the Government of India, after reaching at the stage of Rs.2700/- w.e.f. 01.01.1986 and further revised scale of pay as introduced by the UGC with corresponding scale of pay of Rs.5500-9000/- (Rs.1740-3000) and Rs.8000-13500/-(Rs.2200-4000/-) within a stipulated period.

4. Mr. D.N. Mishra, learned counsel for the petitioner contended that a similar matter was considered by this Court in OJC Nos. 1088 of 2000 and 13156 of 1998, which have been disposed of vide judgment dated 30.09.2011 and, thereby, the petitioner, having stood in the same footing, is entitled to get the same relief.

5. Mr. YSP Babu, learned AGA appearing for the State contended that the judgment, which has been referred to, relates to the Demonstrators of Utkal University, whereas the petitioner was working as Demonstrator in MPC (Autonomous) College, Baripada, Mayurbhanj and thereby, the said judgment does not apply to the petitioner.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court finds that the petitioner was working as Demonstrator in MPC (Autonomous) College, Baripada, Mayurbhanj and the question of grant of UGC scale of pay was considered by a Division Bench of this Court in OJC Nos. 1088 of 2000 and 13156 of 1998 (General Secretary, Utkal University Demonstrators' Association v. Utkal University and others) and this Court disposed of the said writ petitions with the following directions:-

“In view of the above, this Court comes to the conclusion that since the U.G.C. has approved the pay scale of Demonstrators/Tutors, they shall be given financial benefits as admissible to them. Accordingly, the writ petition is allowed. It is directed that the pay scale of the members of the petitioner’s Association will be fixed notionally and annual increment will be allowed till 01.01.1986, but no financial benefit will be given from 01.01.1986 to 01.01.1996. It is further directed that the scale of pay of the Tutors i.e. Rs.1740-3000/- and the scale of pay of Demonstrators Rs.2200-4000/-, who have reached at the stage of Rs.2700/-, shall be fixed w.e.f. 01.01.1986. It is further directed that the employees are also entitled to get revised scale of pay introduced by the UGC w.e.f. 01.01.1996 with the corresponding pay scale of Rs.5500-9000/- (1740-3000) and Rs.8000-13500/- (2200- 4000). It was brought to our notice that the Demonstrators are being paid a consolidated salary of Rs.7500/-. We direct that their pay scale will be revised as per the direction of this Court within three months and the differential salary be disbursed in their favour.”

7. As such, pursuant to the above judgment, benefits have been extended to the petitioner therein and since the present petitioner is similarly situated with them, he should not be discriminated. Therefore, this Court disposes of this writ petition directing the opposite parties to extend the benefits to the petitioner in terms of the judgment passed by a Division Bench of this Court in General Secretary, Utkal University Demonstrators’ Association (supra) as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

8. Accordingly, the writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha