

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3132 of 2015

In the matter of an application under Section 19 of the
Administrative Tribunal Act, 1985.

.....

Bira Kishore Sahoo

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

For Petitioner : M/s.B.B. Mohanty,
M.Harichandan, B. Tripathy
& B.Samantaray.

For Opp. Parties : Standing Counsel
Mr. B.Mohanty.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

संस्थानिक न्यायो

Date of Hearing: 07.07.2022 and Date of Order:26.07.2022

Biraja Prasanna Satapathy, J.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. B. B. Mohanty, learned counsel for the Petitioner and Mr. B. Mohanty, learned Standing Counsel for the State.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) The Hon’ble Tribunal may graciously be pleased to quash the order dated 02.06.2015 under Annexure-5.

(ii) And necessary direction may be issued to the Respondents to pay the current salary in the grade pay of Rs.4200/- and release all arrear fixational dues in pursuance of the recommendation of Screening Committee dated 27.11.2014 forthwith or within a time to be stipulated by this Hon’ble Tribunal”.

4. It is submitted that pursuant to the decision of the Screening Committee held on 27.11.2014, the Petitioner was extended with the benefit of RACP vide order of the Block Education Officer, Pattamundai.

5. It is submitted that subsequent to that, when the Director Elementary Education, Odisha issued a letter to the District Education Officer, Kendrapara with a direction to re convene the Screening Committee meeting and to cancel the recommendation of the said committee held on 27.11.2014, the present writ petition was filed, apprehending that the benefit extended in his favour will be withdrawn.

6. Mr. Mohanty further submitted that the eligibility of the Petitioner to get the benefit is not only covered by the decision taken by the learned Tribunal under Annexure-7 but the same issue has also been decided by this Court in its order dated 24.06.2022 in W.P.(C) No.7281 of 2018.

7. Considering all the submissions made by the learned counsel for the Parties, this Court while disposing the Writ Petition directs the District Education Officer, Kendrapara that prior to taking any decision basing on the direction

contained in the impugned communication dtd. 02.06.2015 under Annexure-5, the Petitioner will be given a reasonable opportunity of hearing and he will also be given a personal hearing.

8. It is also observed that while taking a fresh decision, the Opposite Party No.3 shall take into consideration the order passed by the learned Tribunal under Annexure-7 as well as the order passed by this Court in the aforesaid writ petition. The entire exercise shall be completed within a period of four months from the date of receipt of this order.

9. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 26th of July, 2022/Subrat

