

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28853 of 2022

Sashi Bhusan Mallick

.....

Petitioner

Mr. S.K. Mishra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. B. Mohanty, SC, S&ME Deptt

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

01.11.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Mishra, learned counsel for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking for direction to opposite parties no.2 and 3 to take immediate steps to disburse his differential arrear salary from 26.05.2009 to 30.05.2021 in Trained Graduate Scale of pay from the date of attaining the age of 48 years on the basis of O.E.A. Rules, 1974 under Annexure-3 and School and Mass Education Department Resolution dated 18.02.2008 and letter No.6259 dated 16.04.2010 as well as letter No.1772 dated 11.01.2011 of Director, Secondary Education, Odisha and the rules framed there under within a stipulated period.

4. Mr. S.K. Mishra, learned counsel for the petitioner contended that similar question has already been adjudicated by the learned Single Judge in *Radharani Samal vs. State of Orissa*, 2017(I) ILRCUT-546 which has been affirmed by the Division Bench of this Court by dismissing Writ Appeal No.176 of 2017 preferred by the State vide order dated 30.04.2019. Therefore, the case of the petitioner is squarely covered by the judgment passed by this Court in *Radharani Samal* (supra).

5. Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department admits the contentions raised by the learned counsel for the W.P.(C) No.10765 of 2019 petitioner. He contended that direction may be issued to consider the case of the petitioner in the light of judgment passed by this Court in **Radharani Samal** (supra) which has been affirmed by the Division Bench of this Court vide order dated 30.04.2019 by dismissing Writ Appeal No.176 of 2017 preferred by the State.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court disposes of the writ petition directing the opposite parties to consider the case of the petitioner in the light of the ratio decided by this Court in **Radharani Samal** (supra) as expeditiously as possible preferably within a period of four months from the date of production of this order.

7. Urgent certified copy of this Court be granted on proper application..

Arun

(DR. B.R. SARANGI, J.)

