

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 3832 of 2014

Baranram Mishra

....

Petitioner

Mr. P.C.Acharya, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

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

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

ORDER(Oral)

13.7.2022

Order No.

03

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner when the matter is called.
3. When the matter was taken up on 27.4.2022, none had appeared for the petitioner. After considering the matter in some detail as well as hearing learned Standing Counsel for the S&ME Department, following order was passed :

2. The writ petition has been registered before this Court on 13.12.2021 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack.

3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on 19.12.2014 and the matter was never taken up/pursued thereafter.

4. The Original Application before the learned Tribunal was filed in the year 2014 by the petitioner who was aged about 53 years while working as teacher attached to S.I. of Schools, Nilagiri Block, Nilagiri on deputation for grant of Time Bound Advancement (TBA) along with 2nd & 3rd Assured Career Advancement (ACP) scale by counting the period of service from the date of "appointment" to be "27.12.1980" instead of "26.12.1989".

5. Learned Standing Counsel referring to the averments in the O.A./writ petition as well as the counter dated 29.6.2017 filed by O.P. No.3-Block Education Officer, Nilagiri submits that the date of grant of TBA along with 2nd & 3rd ACP are just and

proper as the petitioner has fulfilled the condition of promotion and TBA scale on 26.12.2004. It is further submitted that since grant of TBA and ACP is in lieu of promotion, due to stagnation of pay of the petitioner for a particular post, the provisions of the notification regarding sanction of TBA and ACP are to be construed strictly.

6. Having heard learned counsel for the parties, to grant another opportunity to the petitioner, list on 6.5.2022.

4. On 6.5.2022, the matter was adjourned at the instance of the petitioner to be listed today.

5. Learned Standing Counsel reiterates the submission on behalf of the O.P.-State as noted in the order dated 27.4.2022.

6. Having heard learned counsel for the parties, the writ petition is disposed of as withdrawn.

(M.S.Sahoo)
Judge

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