

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 2482 of 2017

Balaram Dash

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
15.12.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. N. Prusty, learned Standing Counsel appearing for the Opp. Parties.
3. Counter affidavit filed by O.P. No. 3 be kept on record.
4. The Petitioner has filed the present writ Petition with the following prayer:-

“(i) The Original Application be allowed;

ii) The Govt. notification dated 05.09.2011 and 04.06.2012 under Annexure-3 and 4 respectively be modified to the extent granting the said benefits to the applicant, who has been promoted to the post of Jr. SES cadre since 2006.

iii) The Respondents be directed to grant T.G. scale of pay in favour of the applicant w.e.f. 03.12.1990 notionally and actual benefit from 01.01.2006 as per order of this Hon'ble Tribunal dated 14.08.2013.

iv) The Respondents be directed to re-fix the pay of the applicant as per the Govt. notification dated 04.06.2012 and letter dated 14.01.2014 of the Respondent No.2 and the arrears be calculated and paid to him within a date to be fixed by this Hon'ble Tribunal.

v) And pass any other order orders or direction/directions be issued so as to give complete relief to the applicant.”

5. It is submitted that the claim as made in the writ Petition is squarely covered by a decision of the learned Tribunal passed on 14.08.2013 in O.A. No. 3124(C) of 2008 under Annexure-6. It is also submitted that the said order was challenged before this Court in W.P.(C) No.25622 of 2014 and this Court vide its order dtd.07.04.2017 while disposing the writ Petition filed by the State confirmed the order passed by the learned Tribunal on 14.08.2013. It is also submitted that the Petitioner in O.A. No. 3124(C) of 2008 in the meantime has been extended with the benefit after dismissal of the writ Petition filed by the State vide order dtd.14.09.2017.

6. In that view of the matter the Petitioner is also entitled to get the benefit as prayed for in the writ Petition. O.P. Nos.2 & 3 are directed to extend the benefit as has been extended in favour of the Petitioner in O.A. No. 3124(C) of 2008. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this order.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha