

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OA) No.993 of 2017

Bijaya Kumar Behera

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.08.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Bisoi, learned counsel for the Petitioner and Mr.M. Balabantaray, learned Standing Counsel.
3. The petitioner is aggrieved by the impugned order passed on 25.2.2017 under Annexure-4 and consequential order on 25.2.2017 under Annexure-5.
4. It is submitted that pursuant to the impugned order issued on 27.8.2015 under Annexure-4 the Grade Pay of the petitioner has been revised vide order under Annexure-5 and he is directed to pay the excess amount so received. Mr. Bisoi, learned counsel for the petitioner submitted that similar issue raised before the learned Tribunal in a batch of writ petitions wherein the order dated 27.8.2015, which is the basis for passing of the order under Annexures-5 was under challenge. Learned Tribunal vide order dated 20.9.2017 while allowing similar prayer quashed order dated 27.8.2015 and the said order was never challenged and in the alternate, Government vide communication dated 16.7.2018 directed for its implementation.

5. In view of the submission made that the order dated 27.8.2015 has been quashed vide order dated 20.9.2017 in O.A. No.3202 of 2022 and batch, this Court is inclined to quash the impugned order under Annexures-4 & 5.

6. Consequently, the Writ Petition is allowed.

(Biraja Prasanna Satapathy)
Judge

sangita

