

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.2324 of 2012

Sanjay Kumar Mishra

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

01.12.2022

Order No

- 05.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Bimbisar Dash, learned counsel for the Petitioner and Mr. A.P. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The Petitioner has filed the present writ petition challenging the order dtd.04.04.2012 passed by the Under Secretary to Govt.-Home Department, wherein the prayer of the Petitioner to revise his pay as applicable the post of Tailoring Instructor has been rejected.
4. Learned counsel for the Petitioner submitted that seeking extension of the said benefit the Petitioner approached the learned Tribunal in O.A. No. 3045(C) of 2011. Learned Tribunal vide order dtd.20.10.2011 disposed of the said matter with a direction on the Opp. Party Nos.1 & 3 to take an independent decision on the matter on its own merit and dispose of the representation of the applicant in accordance with law.
5. It is submitted that on being communicated with the order though the impugned order was passed on 04.04.2012 under Annexure-11 by rejecting the claim, but in the said order no reason has been

assigned and it is completely a non-speaking order. Learned counsel for the Petitioner also contended that while taking such a decision O.P. No. 1 has not taken into consideration the communication issued by the Deputy Inspector General of Prisons, Odisha on 22.03.2003 under Annexure-D to the Counter filed by O.P. No. 3. In the said communication though it was indicated that similarly situated Instructors are getting the scale pay of Rs.1400/-- Rs.2300/-, but the same was not extended in favour of the Petitioner in absence of permission by the Government.

6. Since this Court finds that the impugned order has been passed without any reason and it is also not disputed by the learned State Counsel, I am inclined to quash the order dtd.04.04.2012 and while quashing the same, remit the matter to the O.P. No. 1 to take a fresh decision, it is observed that while taking such a decision the communication issued by the Deputy Inspector General of Prisons, Odisha on 22.03.2003 under Annexure-D to the Counter shall be taken into consideration. Such a fresh decision shall be taken within a period of two (2) months from the date of receipt of this order. On such reconsideration if it found that the Petitioner is entitled to get the benefit of the scale of pay as claimed by him, necessary financial benefits shall also be extended within the aforesaid time period.

7. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha