

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3509 of 2012

Rabinarayan Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.10.2022

Order No

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S. Behera, learned counsel for the Petitioner and Mr. N.N. Satapathy, learned Standing Counsel appearing for the Opp. Parties.
3. The present writ Petition has been filed with the following prayer:-

“Under the circumstances it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to direct the Opp. Parties to disburse all the legitimate dues of the petitioner such as salary w.e.f.1.3.96 till 21.8.10;

And further be pleased to regularize his break service period by giving him increments and revise his scale of pay as per ORSP Rules from time to time;

And further be pleased to direct the Opp. Parties to send him for DEIED training as per memo No.2634 dated 16.6.12 under Annexure 11;

And pass such other order(s)/ direction(s) as may be deemed fit and proper in the interest of justice; and allow the application with cost.”

4. It is submitted that the claim of the Petitioners to get his arrear salary for the period 01.03.1996 to 21.08.2010as prayed for was recommended by the D.I. of School, Chhatrapur, Ganjam to the

Director Elementary Education-O.P. No. 2 vide letter dtd.19.04.2012 under Annexure-10. It is submitted that in spite of such communication being made to O.P. No. 2 and in absence of any instruction, the Petitioner was not released with the arrear salary for the period as indicated hereinabove.

5. Mr. Satapathy, learned Standing Counsel on the other hand submitted that since the matter is pending before the O.P. no. 2, this Court may direct the said Opp. Party to take a decision on Annexure-10.

6. Having heard learned counsel for the Parties and after going through the materials available on record, this Court finds that D.I. of School, Chhatrapur, Ganjam has sought for necessary instruction from the O.P. No 2 vide his letter under Annexure-10 in order to settle the claim of the Petitioner.

7. Since it is submitted that no instruction has been issued by the said Opp. Party, Opp. Party No. 2 is directed to take an independent decision on the same without being guided by the stand taken in the counter affidavit filed by the D.I. of School, Chhatrapur. The entire exercise shall be completed within a period of two (2) months from the date of receipt of this order.

8. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha