

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.2879 of 2013

Pitambar Roul

....

Petitioner
None

-versus-

State of Odisha & Others

....

Opposite Parties
Mr. R.N. Acharaya, Standing
Counsel for S & ME

CORAM:
JUSTICE M.S. RAMAN

ORDER

20.10.2022

Order No.

- 02.** **1.** The Original Application No. 2879 of 2013 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 2879 of 2013.
- 2.** The Petitioner, Assistant Teacher in Salanda U.P. School under the District Inspector of Schools, Athamallik Education District in Angul District, claims to have joined the service on 8th August, 1966 and got retired on attaining superannuation on 30th April, 2003. The Petitioner is stated to have been declared Government Teacher by virtue of notification dated 26th September, 1989. It is stated by the Petitioner that since he has been getting pension at lower rate, he made representation to the Opposite Party No.3, District Inspector of Schools, Athamallik Education District, claiming that he is entitled to get the pension commensurate with the pay as per Odisha Revised Scale of Pay Rules, 1974. Accordingly, he prayed for calculation of pay and other

allowances as per said Rules including pension and consequential benefits since 1989.

3. Mr. Ramanath Acharaya, Standing Counsel for School and Mass Education has raised objection as regards entertainment of the present petition. He submitted that the petition is not maintainable on the ground that the petitioner has set up his claim belatedly and indolent person should not be given protection. He further submitted that there is no explanation available in the petition with regard to cause of inordinate delay in approaching the Tribunal/the Court. Hence, he requested for dismissal of the writ petition.

4. At the time of hearing today, none appeared for the Petitioner.

5. On earlier occasion, when the matter was on board, the following order was passed on 4th March, 2022:-

“xxx xxx xxx xxx

4. *On perusal of the order sheets available in this record, it is revealed that orders have been passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in OA No.2873(C) of 2013, which are made applicable to this case.*

5. *It is submitted at the Bar that said OA along with batch of cases have been disposed of by this Court.*

6. *Mr. Panda, learned counsel for the Petitioner seeks one week time for production of copy of the order passed by this Court in said batch matters.”*

6. This Court, therefore, visited the web portal of this Court and found that WPC(OAC) No. 2873 of 2013 (Dhruba Charan Bagh Vrs. State of Odisha) has been disposed of by a co-ordinate Bench of this Court on 3rd March, 2022, which is quoted hereunder:-

“2. The petitioner has filed this writ petition seeking direction to the opposite parties to calculate the pay

and allowances of the petitioner at par with the government teachers in terms of ORSP Rules, 1974 and disburse the same in favour of the petitioner along with pension within a stipulated time.

3. In course of hearing, learned counsel for the petitioner states that the petitioner has already made representation before opposite party no.2 vide Annexure-2, and the same may be directed to be disposed of within a stipulated time taking into consideration the judgment passed by the tribunal in the case of Harihar Rath v. State of Orissa and others and batch of cases (O.A. No.1595 (C) of 1993 and batch, disposed of on 21.04.1996) within a stipulated time, to which learned State Counsel has raised no objection.

4. As agreed by learned counsel for the parties, without expressing any opinion on the merits of the case, this writ Page 2 of 2 petition stands disposed of directing opposite party no.2 to consider the representation filed by the petitioner under Annexure-2 taking into consideration the judgment passed by the tribunal in the case of Harihar Rath v. State of Orissa and others and batch of cases (O.A. No.1595 (C) of 1993 and batch, disposed of on 21.04.1996), and pass a reasoned and speaking order as expeditiously as possible, preferably within a period of three months from the date of receipt of the certified copy of this order.”

7. Without expressing any opinion on merits of the case, the present writ petition is disposed of in the light of the order dated 3rd March, 2022 passed in WPC(OAC) No. 2873 of 2013 (supra).

(M.S. Raman)
Judge

Laxmikant