

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.399 of 2017

Sarat Chandra Mohanty

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.08.2022

Order No

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. B. Satapathy, learned counsel appearing for the Petitioner and Mr. R.N.Mishra, learned Additional Government Advocate.
3. The Petitioner is aggrieved by the communication issued by the Government-Opposite Party No.1 on 18.08.2010 under Annexure-16, wherein the claim of the petitioner for fixation of his pay w.e.f 01.05.1989 has been rejected on the ground that it is a belated claim.
4. Mr. Satapathy submitted that the claim of the Petitioner was duly recommended for consideration by the Board of Revenue under Annexure-14 & 15 and the said claim is also a genuine claim in view of the communications issued by the Board.
5. It is also submitted that the persons similarly situated pursuant to the order passed by the learned

Tribunal in O.A. No.2033(C)/2008 under Annexure-18 has been extended with the benefit of revision of scale of pay.

6. Even though notice of the writ petition was issued on 30.03.2017, but no counter affidavit has been filed by the said Opposite Parties till date.

7. In view of the materials available on record and the fact that persons similarly situated have been extended with the benefit of the revision of pay, this Court finds that the ground on which the claim of the petitioner has been rejected is not just and proper. The claim of Petitioner was also recommended by the Board of Revenue under Annexure-14 and 15 in the year 2016.

8. Therefore, this Court while quashing the impugned communication dated 18.07.2016 directs the Opposite Party No.1 to re-consider the same and to extend the benefit of the revision as recommended under Annexures-14 & 15. The said exercise shall be completed within a period of three months from the date of receipt of this order. On such reconsideration, the financial benefits as due and admissible be also released within a further period of three months.

9. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge