

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) NO.1087 OF 2017

Jogeswari Ray

....

Petitioner

Mr.C.R.Pattnaik, Adv.

-versus-

State of Orissa & ors.

....

Opposite Parties

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

23.2.2023

Order

No.

02.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following relief :-
 - “i) The order dt.22.04.2017 passed by the Addl. Secretary to Govt., H & UD Deptt. And P.D.-cum-Secretary, SUDA, Odisha, Bhubaneswar under Annexure-7 may be quashed.
 - ii) and further may direct the authority to release the pending salaries of 8 (eight) months from October 2016 to till date and may further direct to pay regular salary to the applicants without any break.....”
3. Through Paragraph-6.7 of the Writ Petition, learned counsel for the Petitioner claims, not only the Scheme involved herein declared to have been closed, vide Annexure-7 is still continuing but there has been continuance of the similarly situated persons. Further bringing reference to the order of the Tribunal dated 1.5.2017 passed in a batch of O.As. starting from O.A. No.1104 (C) of 2017 in inclusion of the present O.A., learned

counsel for the Petitioner submits, there has been a direction for no coercive action against the Petitioner till finalisation of the O.A. In the circumstance, learned counsel for the Petitioner claims allowing continuance of the Petitioner.

4. Mr.Sahoo, learned Additional Standing Counsel for the State, however, on instruction submits, the Scheme has already been closed.

5. This Court finds, there is no Application for variation of the interim order dated 1.5.2017 passed by the Tribunal nor there is even filing of counter. However, looking to the nature of interim order, this Court finds, there is simply a direction for no coercive action. This Court finds, in the event the Scheme is still in operation, there may not be any reasoning in taking out the service of the Petitioner. However, in the event the Scheme is still in operation, there may be consideration of continuance of the Petitioner herein so long as the Scheme is in operation at least.

6. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout