

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31574 OF 2022

Rajakishore Barik

.....

Petitioner

Mr. A. Rout, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.11.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. A. Rout, learned counsel for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this application seeking direction to the opposite parties to release his differential arrear salary with regard to Trained Intermediate Scale of Pay from 1993, pursuant to law laid down by this Court in the case of *Niranjan Nayak and another v. State of Orissa and others*, 2003(II) OLR 321.

4. Mr. A. Rout, learned counsel for the petitioner submits that the claim of the petitioner is squarely covered by the judgment of this Court reported in the case of *Niranjan Nayak and another v. State of Orissa and others*, 2003(II) OLR 321. He further submits that the petitioner has made a representation under Annexure-3 before opposite party no.3, which is pending for consideration.

5. Considering the contentions raised by learned counsel for the parties and without expressing any opinion on the merits of the case, this Court disposes of the writ petition directing opposite party no.3 to consider the case of the petitioner applying the ratio decided in *Niranjan Nayak case* (supra) and release the differential arrear salary in favour of the petitioner, as expeditiously as possible preferably within a period of six months from the date of communication/production of certified copy of this order.

6. Issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI)
JUDGE

