

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAPC) No.153 of 2019

Banamali Badapanda

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

10.10.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“In the light of above stated circumstances is humbly prayed that this Hon'ble Tribunal may be graciously be pleased to admit this Original Application, so notice to the respondents and after hearing the parties be pleased to grant the following relief(s):-

a. Let the applicant be promoted to the post of Headmaster w.e.f. 26/03/1993 i.e. the day on which juniors are being promoted.

b. To pass necessary direction for re-fixation of his scale of pay of the applicant notionally w.e.f. 26/03/1993 as per ORSP Rules, 1989, w.e.f. 01/01/1996 as per ORSP Rules, 1998 and w.e.f. 01/01/2006 as per ORSP Rules 2008 respectively from the date his juniors got promotion to the post of Headmaster/Headmistress;

c. To pass necessary appropriate direction to the respondents not to recover any amount from the applicant arises in TBA in ORSP Rules, 1998 as well as ACP in ORSP Rules 2008 at the time of allowing promotional benefits;

d. Pass such other order (s) / direction (s) as this Hon'ble Tribunal may think fit and proper;”

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioner to make a fresh representation before Opp. Party No.1 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, Opp. Party No.1 shall do well to take a lawful decision on the same within a period of three months from the date of receipt of such representation. The order so passed by the Opp. Party No.1 be communicated to the petitioner.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha