

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.38168 of 2021

Arun Kumar Naik and Ors. *Petitioners*
Mr. Durgesh Narayan Rath, Adv.
-versus-
State of Odisha and Ors. *Opposite Parties*
Mr. H.K. Panigrahi, Adv.
(SAT (Cuttack))

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
12.10.2022

08.

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. Learned counsel for the Petitioners submits that the Petitioners who are duly appointed against different teaching and non-teaching post as indicated in the cause title page of the Writ Petition are constrained to approach this Court by way of this present Writ Petition. They challenge the action of the Opposite Parties in not approving their posts and not disbursing the salary components in their favour as per the judgment and order dated 2nd November, 2012 passed by the State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.488 of 2011 which has been subsequently upheld not only by this Court in FAO No.276 of 2015 but also by the Hon'ble Apex Court in SLP(C) No.12548 of 2017 and thereafter, the review

petition filed by the Opposite Parties/State before the Hon'ble Apex Court bearing RP(C) No.2132 of 2018 has also been dismissed. It is pertinent to mention here that the State has also filed a Curative Petition being Curative Petition (Civil) No.255 of 2021 against the order passed in RP(C) No.2132 of 2018. The said Curative Petition has also been dismissed being devoid merit. In such view of the matter, the Opposite Parties/ State cannot sit over the matter for such a long time despite the order of the Hon'ble Apex Court. He further submits that the Opposite Parties/ State has considered and approved the GIA in so many similar cases whereas the case of the Petitioner has not yet been considered.

4. In such view of the matter, the Opposite Party Nos.1/Principal Secretary , Higher Education Department, Government of Odisha, Bhubaneswar and 2/ Director, Higher Education, Odisha, Bhubaneswar respectively shall comply with the judgment and order dated 2nd November, 2012 passed by the State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.488 of 2011 which has been subsequently upheld by the Hon'ble Supreme Court vide order dated 08.12.2017 passed in SLP(C) No.12548 of 2017 by 15th November, 2022. In case of non-compliance of the

said order within the time stipulated, the Secretary of the concerned Department shall be hauled up in contempt.

5. Accordingly, this Writ Petition is disposed of.

6. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

