

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32731 of 2022

Pravati Mishra

.....

Petitioner

Mr. S.B. Satapathy, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel, S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

08.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this writ petition seeking to quash the order dated 13.01.2020 under Annexure-1 and to issue direction to the opposite parties to allow the petitioner trained graduate scale of pay from 07.04.1997 to 15.06.2006 and disburse the differential arrear salary within a stipulated time.

4. Mr. S.B. Satapathy, learned counsel for the petitioner submits that the case of the petitioner is fully covered by the judgment rendered in the case of *Madhab Chandra Podh v. State of Orissa & 4 others*, 1998 (II) OLR 334. According to him, relying on the said decision, the Tribunal had passed an order on 31.01.2006 in O.A. No. 1045 (C) of 2004. The said order passed by the Tribunal was challenged before this Court in W.P.(C) No. 13361 of 2006 and this Court vide order dated 08.10.2015 upheld the direction of the Tribunal to extend T.G. Scale of pay in favour of the applicant to the O.A. with effect from 21.01.1999 and release the arrear on account of the same with interest @ 6% per annum. Against the said order, the State had preferred Special Leave to Appeal (C) CC No. 17918 of 2016 (*State of Orissa and others v. Kamadev Routray*), which was dismissed vide order dated 30.09.2016, thereby the order of the Tribunal has been confirmed. It is contended that similarly situated employee had approached this Court by filing

WPC (OAC) No. 1670 of 2005 (Pravakar Dash v. State of Odisha) and this Court extended the benefit to the petitioner therein. It is further contended that in a similar case, this Court in ***Bijaylaxmi Mishra v. State of Odisha***, 2021 (Supp.) OLR 663, relying upon the judgment in the case of ***Madhab Chandra Podh*** (supra), has already extended the benefit to the petitioner therein. Thus, it is contended that since the petitioner stands in the same footing, such benefits ought to have been extended in favour of the petitioner.

5. Mr. S. Jena, learned Standing Counsel for the School & Mass Education Department contended that if the similar question has already been decided by this Court, there is no reason to keep the matter pending instead of directing the authorities to examine the case of the petitioner in terms of the aforesaid decisions and take a decision on the same.

6. In such view of the matter, the order dated 13.01.2020 under Annexure-1 cannot sustain in the eye of law and is liable to be quashed and is hereby quashed. The writ petition stands disposed of with the direction that in case the petitioner, with regard to the grievance made in this petition, files a fresh comprehensive representation before the opposite party no.2, within fifteen days hence, the said authority shall consider the same and pass a reasoned and speaking order taking into consideration the judgments, as mentioned above, as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation along with the certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok