

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 331 of 2021

Prasanta Kumar Das

....

Appellant

Mr. K.K. Swain, Advocate

-versus-

State of Odisha & others

....

Respondents

Mr. Dhananjay Mund, Addl. Govt.
Advocate for O.P. Nos.1 & 2

**CORAM:
JUSTICE M.S. SAHOO**

ORDER

03.03.2022

Order No.

05.

This matter is taken up through hybrid mode.

The matter was heard at some length on 16.02.2022 and the following order was passed, relevant portion is reproduced herein:-

“Learned Addl. Govt. Advocate is directed to obtain instruction as to why the payments towards the salary of the petitioner has been stopped since apparently there is no impediment for the Govt. to continue the same as per the applicable Grant-in-Aid Order.

It is also observed that if the appellant is working, he shall continue to get his remuneration as that would be applicable which shall be subject to the further orders to be passed in G.I.A. Case No. 54 of 2021 pending before the learned State Education Tribunal, Bhubaneswar.

List on 28th February. 2022.”

Learned Addl. Govt. Advocate submits that he has not been able to obtain up-to-date instruction as directed vide order dated 16.02.2022 regarding the remuneration that would be applicable in accordance with law, due and admissible.

RJ

Learned counsel for the petitioner submits that after the last order of this Court some further developments have happened in the pending GIA Case No.54 of 2021 before the

learned State Education Tribunal, Bhubaneswar. It is submitted that the matter was heard in part on 22.02.2022 and the next date of listing is 09.03.2022. It is submitted that without prejudice to the rights and contentions of either of the parties before the learned Tribunal, the State Government may be directed to release the salary component of the petitioner as applicable, due and admissible so that that the petitioner is not put any unnecessary hardship.

Learned Addl. Govt. Advocate, very fairly submits that the petitioner can be paid the amount as applicable under law, due and admissible, without prejudice to the rights and contentions of either of the parties.

Having heard learned counsel for the parties, the present FAO is disposed of directing the respondents-authorities to release the salary component that would be permissible under law to the petitioner as would be due and admissible without prejudice to the rights and contentions of either of the parties in the pending GIA Case No.54 of 2021. Since the matter is arising out of an interim order of the learned State Education Tribunal, parties shall abide by the subsequent order/final order that would be passed by the learned Tribunal.

It is hoped that the learned Tribunal having heard the matter in part may proceed to complete the proceeding as expeditiously as possible as per its hearing roster.

It is clarified that this Court has not expressed any opinion regarding the merits of the case in any manner whatsoever.

(M.S. Sahoo)
Judge