
(2023) 04 OHC CK 0049
In the Orissa High Court
Case No : Writ Appeal No. 1502 Of 2022

Prana Krushna Dash

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0049

Hon'ble Judges : Dr. S. Muralidhar, CJ;G. Satapathy, J

Bench : Division Bench

Advocate : S.K. Das, M.K. Khuntia

Final Decision : Dismissed

Judgement

1. The challenge in the present writ appeal is to a judgment dated 10th October 2022 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.12584 of 2022. The Appellant was seeking a direction to the Respondents-State to fix his pay, annual increments and consequential benefits in the post of "Sikhya Karmee" from 1997 onwards.

2. This was a second round of litigation before the learned Single Judge. Earlier, the Appellant filed W.P.(C) No.34795 of 2020 which was disposed of by the learned Single Judge on 11th January, 2021 permitting the Appellant to make a representation to the Respondents.

3. The second writ petition was filed after the said representation was rejected by the Respondents by an order dated 2nd May, 2022.

4. The Appellant had applied for the post of Primary School Teacher in 1997, but was not permitted to be considered because of his age. After orders passed by this Court in OJC No.10180 of 1997, his case was considered and he was appointed in the Upper Grade School in Tirtol on 18th February, 2000. Claiming that others in the batch had been empanelled in 1997 itself, he filed the writ petition before the High Court in 2020 claiming parity with those teachers who

had approached the Odisha Administrative Tribunal (OAT) in 2008 itself. The ground on which his plea has been rejected is that he was appointed only in the year 2000 and therefore, his benefits could not be computed on the basis that he was appointed in 1997. His case was therefore distinguished from the others who had joined service in 1997 itself.

5. Having heard learned counsel for the Appellant and having examined the impugned judgment of the learned Single Judge, the Court is unable to be persuaded to interfere. If indeed the Appellant was not even in service between 1997 and 2000, he cannot expect that period to be counted for the purposes of fixation of pay or for that matter even his retiral benefits. No grounds are made out for interference. The writ appeal is dismissed.

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