

**(2023) 04 OHC CK 0256**  
**In the Orissa High Court**  
**Case No : Writ Petition (C) No.11868 Of 2023**

Smt. Roji Jena

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

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**Date of Decision :** 25-04-2023

**Acts Referred:**

**Citation :** (2023) 04 OHC CK 0256

**Hon'ble Judges :** A.K.Mohapatra, J

**Bench :** Single Bench

**Advocate :** Subham Sharma, Iswar Mohanty

**Final Decision :** Disposed Of

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## Judgement

A.K.Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the Writ Petition as well as the documents annexed thereto.
3. The present Writ Petition has been filed with the following prayer :  
"The Petitioner, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/mandamus and/or any other further writ/direction, directing the Opp. Parties to release the admitted outstanding arrear salary of the Petitioner from the period ranging from 06.02.2020 till 03.11.2021 which has been duly served by the Petitioner, within a stipulated time period."
4. It is submitted by the learned counsel for the Petitioner that the Petitioner was initially engaged on being sponsored by the Information and Public Relation (I&PR) Department of the Government of Odisha under the e-library Project

pursuant to letter dated 09.03.2021 under Annexure-6. Learned counsel for the Petitioner submitted that the National Informatics Centre Services has written a letter to the Deputy Director (IMU) I & PR Department stating therein that the candidates have not got their salary since 06.02.2020. Accordingly, the I&PR department was requested to release the fund so that the salary of the seven numbers of Data Entry Operators working under e-Library Project can be paid. While the matter stood thus, the I&PR department vide letter dated 03.11.2021 the services of the DEO working under e-Library was discontinued with effect from 03.11.2021. At this juncture, learned counsel for the Petitioner submitted that the salary of the DEOs remain unpaid although they were discontinued from service by order dated 03.11.2021 under Annexure-11. Accordingly, the Additional Director wrote a letter to the General Manager, NIC regarding submission of invoice in respect of the abovementioned 7 DEOs for the period of 20 months and 28 days with effect from 06.02.2020 to 03.11.2021 as per the rate prescribed by the Finance Department vide its letter dated 09.11.2021 under Annexure-12. It is contended by the learned counsel for the Petitioner that pursuant to the invoice submitted a sum of Rs.12,05,870/- was placed before the NIC for salary of 7 nos. of Data Entry Operator. Further, drawing the attention of this Court to letter dated 31.01.2022 under Annexure-12 learned counsel for the Petitioner submitted that out of Rs.28,52,122/-, a sum of Rs.16,46,252 was still outstanding. Accordingly, the General Manager again wrote letter to the Director I & PR department to release the said funds so that the salary of the DEOs can be paid. Finally, it was submitted that till date the 7 DEOs have not received any amount in respect of their salary, which they are entitled to get and the same has been admitted as it appears from the correspondences filed along with the Writ Petition.

5. Learned Additional Standing Counsel, on the other hand, submitted that the Petitioner has approached the Project Director, NIC for payment of their salary by filing a representation on 31. 05.2022. It was also contended by the learned Additional Standing Counsel that the Petitioner has not approached the appropriate authority for redressal of his grievance. Therefore, it was suggested by the learned Additional Standing Counsel that the Petitioner be directed to approach the appropriate authority for redressal of his grievance in accordance with law within a stipulated period of time.

6. Considering the submissions made by the learned counsel appearing for the respective parties and upon a careful scrutiny of the background facts of the present case, this Court deems it proper to dispose of the Writ Petition at the stage of admission by directing the Petitioner to file a fresh representation before the Opposite Party Nos.1 & 2 taking therein all the grounds in support of his contention along with the documents, which have been annexed to the Writ Petition. In the event such a representation is filed within a period of three weeks from today, the Opposite Party Nos. 1 & 2 shall do well to resolve the dispute and necessary funds as has been reflected in the correspondence, which has been filed as Annexure-12 to the Writ Petition be placed at the disposal of Opposite

Party no.2 within a period of four weeks. In the event funds are made available within the time stipulated, the Opposite Party no.2 shall do well to disburse the salary as is due and admissible to the Petitioner as well as other D.E.Os within a period of four weeks from the date of receipt of such funds from Opposite Party No.1.

7. With the aforesaid observation/direction the Writ Petition stands disposed of.

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