

W.P.(C) No. 15350 of 2015

31.08.2015 The petitioner has filed this writ petition seeking for a direction to opposite parties to pay her Headmaster Scale of pay with other consequential benefits.

The petitioner relies upon a decision in the case of Selva Raj v. Lt. Governor of Island, Port Blair and others, AIR 1999 SC 838, wherein the Honble Supreme court, finding that the appellant in said case, though looked after the duties of Secretary (Scouts) from the date of the order and his salary was to be drawn against the post of Secretary (Scouts) under GFR. 77, still he was not paid the salary for the work done by him as Secretary (Scouts), the Honble Supreme Court came to the conclusion that on the principle of quantum meruit the respondents authorities should have paid the appellant as per the emoluments available in the aforesaid higher pay scale during the time he actually worked on the said post of Secretary (Scouts) though in an officiating capacity and not as a regular promotee and granted such relief to the appellant therein.

This Court, in the case of Dillip Kumar Sahoo and others v. State of Orissa and others, 2008 (I) OLR 162, while dealing with a similar situation, directed that the petitioners, who have worked as Court Masters during the relevant period, shall be paid salary in the scale of pay of Superintendent, Level-II at the pre-revised scale and thereafter at the revised scale of pay.

In view of the aforesaid law laid down, this court is of the opinion that the petitioner is entitled to the salary of Headmaster for the period, for which she has worked as in-charge Headmaster and her case shall be considered in the light of the judgments referred to above within a period of two months from the date of communication of the order.

Requisites for communication of this order to the opposite parties shall be filed within a week.

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

Dr. B.R. Sarangi, J.