

2 28.06.2019

Heard Mr. S. Biswal, learned counsel for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

The petitioner has filed this writ petition seeking for direction to opposite parties no.1 to 3 to disburse the differential arrear salary as well as current monthly salary in trained graduate scale of pay from the date of attaining the age of 48 years, i.e. 30.05.2012 on the basis of S.M.E. Dept. Resolution dated 18.02.2008 and letter No.6259 dated 16.04.2010 as well as letter No.1772 dated 11.01.2011 issued by the Director of Secondary Education, Odisha and the rules vide Annexures-4, 5, 6, 7 and 8 series as well as the order passed by this Court in *Radharani Samal v. State of Odisha and others*, 2017 (I) ILR-CUT-546.

Mr. S. Biswal, learned counsel for the petitioner contended that similar question has already been adjudicated by the learned Single Judge in ***Radharani Samal vrs. State of Orissa***, 2017(I) ILR-CUT-546 which has been affirmed by the Division Bench of this Court by dismissing Writ Appeal No.176 of 2017 preferred by the State vide order dated 30.04.2019. Therefore, the case of the petitioner is squarely covered by the judgment passed by this Court in ***Radharani Samal*** (supra).

Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department admits the contentions raised by the learned counsel for the petitioner. He contended that direction may be issued to consider the case of the petitioner in the light of judgment passed by this Court in ***Radharani Samal*** (supra) which has been affirmed by the Division Bench of this Court vide order dated 30.04.2019 by dismissing Writ Appeal No.176 of 2017 preferred by the State.

Considering the contentions raised by learned counsel for the parties and after going through the records, this Court disposes of the writ petition directing the opposite parties to consider the case of the petitioner in the light of the ratio decided by this Court in ***Radharani Samal*** (supra) as expeditiously as possible preferably within a period of four months from the date of production of this order.

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

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Dr. B.R.Sarangi, J

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