

Order dated: 26.11.2008

CORAM:

Hon'ble Mr. A. K. Gaur, Member(J)

Hon'ble Mr. C.R.Mohapatra, Member (A)

We have heard Mr. B.S.Tripathy-I, Ld. Counsel for the applicant and Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel for the Respondents.

By means of this O.A., the applicant has prayed for regularization of his services on the post of HSG-I w.e.f 4.12.2005. In a nutshell, the applicant has claimed salary for the period of which he worked as HSG-I after the death of Shri V.V.Mohan Rao, who expired on 04.01.2003. In this regard, he has already preferred a representation to the competent authority but no heed has been paid to the same.

Ld. Counsel for the applicant submitted that his grievance might be redressed if direction is given to the competent authority to consider and decide his pending representation at Annexure-9 by reasoned and speaking order taking into account his officiating period of working.

Ld. Counsel for the applicant also placed reliance on the decision rendered in 2008 (1) OLR 162 in order to support his argument that if an employee is ordered to work in a higher post though temporarily and in officiating capacity, he is entitled to the salary attached to the higher post, as payment of higher salary shall not amount to promotion. There is no quarrel in this proposition of law. We are also of the same view.

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We accordingly direct the competent authority to consider and decide the pending representation (Anenxure-9) of the applicant in the light of the decision of the ~~Orissa Bench of the Hon'ble High Court~~^{of Orissa} and pass appropriate reasoned and speaking order within three months from the date of receipt of a copy of this order.

With the aforesaid observation, the O.A. is disposed of.


MEMBER (A)


MEMBER (J)