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O.A. No. 174 of 2007

Order dated: 04.09.2008

**CORAM:**

Hon'ble Mr. Justice K.Thankappan, Member(J)  
Hon'ble Mr. C.R.Mohapatra, Member (A)

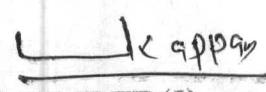
Heard Mr. Ashok Das, Ld. Counsel for the applicant and Mr. S.Mishra, Ld. Additional Standing Counsel for the Respondents.

The applicant submits that he is entitled for his pay fixation without considering the fact that he has not passed the departmental test for promotion and any other ~~smaller~~ <sup>such</sup> ~~benefits~~ <sup>benefits</sup>. However, the only claim of the applicant is that he was exempted from passing the departmental test after completing the age of 45 years.

We see that no Service Rule provides any such benefits of re-fixation of pay or ~~get~~ any increment to any employee without passing departmental test. Even if the applicant has been exempted from passing the departmental test on covering the age of 45 years, the matter was already considered by the Department.

In the above circumstances, we see no ground to interfere in the matter. Accordingly, this O.A. stands dismissed. Apart from this, it is a belated matter as the applicant has been now retired and after lapse of 17 years of the fixation of pay, he approaches this Court. This is also taken as a ground for dismissal of this Original Application.

  
MEMBER (A)

  
MEMBER (J)