



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8638 of 2026

Krushna Chandra Mohapatra

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Petitioner

Represented by Adv. –
Sangram Jena,
B. Mishra

-versus-

1) state of odisha

.....

Opposite Parties

2) Director, Secondary Education

Represented by Adv.

3) District Education Officer,

–

Nayagarh

Smt. S. Nayak, ASC

4) Headmaster, Udaynath Bidyapitha,

Lodhachua

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

24.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. Sangram Jena, learned counsel appearing for the Petitioner and Smt. S. Nayak, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. As found from the pleadings available in the writ petition, the Government while approving the services of the Petitioner by making him entitled to receive grant-in-aid vide the order in question made a stipulation that the arrear shall be confined from the date of passing of the order passed by this Court.
4. Learned counsel for the Petitioner contended that since the Petitioner claiming extension of the benefit of grant-in-aid



approached the competent court and basing on the order passed by such competent court the benefit was extended, there was no justification to confine the eligibility to get the benefit placing reliance on the decision of the Hon'ble Apex Court in the case of ***Union of India Vs. Tarsem Singh*** reported in **2008 (8) SCC 648**.

5. It is also contended that similar issue was before this Court in W.P.(C) Nos.20713 of 2016 and 22554 of 2017 and this Court vide judgment dated 14.03.2023 while disposing the matter held that such a stipulation is not permissible. The view expressed by this Court in Para-11 & 12 of the judgment is quoted hereunder.

“11. A bare reading of the afore quoted observations of the Apex Court would make it clear that if the case relates to re-fixation of pay and such like benefits may be granted in spite of delay as it does not affect the rights of third parties. There is no dispute that the benefit in question being basically refixation of pay in terms of the GIA Order, 1994 is in the nature of an individual benefit granted to an eligible employee on fulfillment of certain conditions and as such, does not apply to all employee at large. A co-ordinate Bench of this Court in the case of Swarnalata Sahoo v. State of Orissa and others (W.P.(C) No.19445/2016) analyzed vide ratio decided in the case of Tarsem Singh (supra) and held that there was no justification on the part of the opposite parties in issuing the impugned orders in supersession of the earlier orders purportedly in terms of the judgment in Tarsem Singh (supra). This Court is therefore of the considered view that the ratio of Tarsem Singh (supra) has been wrongly applied to the case of the petitioner for which the impugned order is rendered unsustainable in the eye of law.

12. Thus, on a conspectus of the analysis of facts and law involved in the case and the discussion made hereinbefore, this Court finds that the petitioners have made out a good case for interference. Resultantly, the Writ Petitions succeed and are therefore, allowed. The impugned order under Annexure-5 is hereby quashed.



The Opposite Party-authorities are directed to extend the benefits to the Petitioners as granted by order dated 14th May, 2015 under Annexure-4 within a period of three months.”

6. Learned State Counsel does not dispute the issue decided by this Court in the above noted cases.

7. Having heard learned counsels for the Parties and placing reliance on the judgment in W.P.(C) No.20713 of 2016, which has been confirmed in Writ Appeal as well as SLP and on being satisfied that the issue involved in the writ petition is similar to the issue decided, this Court while disposing the Writ Petition directs that the Petitioner will be entitled to get the benefit of the arrear claim from the date of his entitlement as indicated in his order of approval so issued by the Government in the present writ petition. Such entitlement of the Petitioner as due and admissible be released with due calculation within a period of four (4) months from the date of receipt of this order.

8. Accordingly, the Writ Petition stands disposed of.

(A.K. Mohapatra)
Judge

Sisir