

B. K. Mohapatra and Others

Vs

State of Orissa

Civil Appeal No. 661 of 1971

(R. S. Pathak, V. R. Krishna Iyer JJ)

31.07.1980

ORDER

KRISHNA IYER, J. –

1. Fourteen hundred teachers share the sincere grievance firstly that they have not been given credit for past service rendered in educational institutions which were eventually taken over by the State of Orissa and secondly that the benefit of contributory provident fund scheme which the Government itself had offered, has not been implemented. We have been taken through the judgment of the High Court and the relevant facts by Shri Sikri and we are satisfied that the reasons given by the High Court are far from satisfactory. On the other hand, no serious consideration of the ground of discrimination in ignoring the past service of the teachers has been given by the High Court. Secondly, regarding the contributory provident fund scheme the High Court has given strong reasons why Government should have implemented the scheme but instead of granting positive relief, has expressed the hope that the State would take action. Unfortunately, perhaps the State did not give consideration for these matters because of the pendency of the appeal in this Court. Counsel for the State represents that if six weeks' time were given, the State Government will advert to both the points we have mentioned above and take a fresh decision thereon. He undertakes to communicate the decision of the Government on both these points to this Court within six weeks. The appellants will be free to make representation to the State Government within 10 days from today which will also be taken into consideration by the State when it passes its orders.

2. Post the appeal on September 16, 1980 subject to part-heard.

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