



BERHAMPUR UNIVERSITY  
BHANJABIHAR, BERHAMPUR-760007(ODISHA)

No. 1165 /Admn-II (NT)

Date 11.2.2022

OFFICE ORDER

In the matter of:

Compliance of the order dated.09.09.2016 passed by the Hon'ble High Court of Orissa in W.P. (C) No.15457 of 2016 filed by Sri Ramakrushna Senapati versus Berhampur University and others and CONTC No.1129 of 2017 and No. 738 of 2018 filed by Sri Ramakrushna Senapati versus Sri G.V.V.Sharma and others.

Whereas, the petitioner in W.P. (C) No. 15457 of 2016 has filed a writ petition before the Hon'ble High Court of Orissa seeking a direction for extending benefit of UGC scale of pay in favour of the petitioner in terms of the letter dated 17.06.1987 and the judgement dated 30.9.2011 passed in OJC No.1088 of 2000 along with consequential benefits. The Hon'ble High Court of Orissa while disposing the writ petition on 09.09.2016 has directed the authority of Berhampur University to consider the representation filed by the petitioner. The extract of the Hon'ble Court's order dated.09.09.2016 is quoted here below:

"..... Considering the contention raised by learned counsel for the parties and after going through the records, this court disposes of the writ petition directing the authority to consider the grievance of the petitioner pursuant to representation filed in Annexure-4 series taking into consideration of the judgment passed in the case of General Secretary, Utkal University Demonstrator's Association (Supra) within a period of three months from the date of communication of this order."

Whereas, the petitioner in his Writ Petition mentioned above has submitted that joint representations dated.28.9.2015, 08.02.2016 addressed to the Vice-Chancellor and dated.04.01.2016 addressed to the Hon'ble Chancellor and dated.25.03.2016 addressed to the Hon'ble Minister of Higher Education are pending.

Whereas, the Hon'ble Court vide their Order dated.09.09.2016 has been pleased to direct the authority to consider the representations of the petitioner



taking into consideration of the Judgment passed in case of General Secretary, Utkal University Demonstrator's Association. Therefore, the case of the petitioner has been considered in the light of the judgment pronounced by the Hon'ble Court in case of General Secretary, Utkal University Demonstrator's Association versus Utkal University and others.

Whereas, the petitioner was initially appointed in Berhampur University as Lab.Assistant temporarily against leave vacancy of Dr.P.K.Panigrahy, Lab.Asst. with B.Sc., B.Ed., qualification vide order No.16653 dated. 01.12.1981 in the Department of Botany and joined duty on 04.12.1981. Consequent upon joining of Dr.Panigrahi, Sri Senapati was again appointed as Store Keeper in the Department of Chemistry vide Order No.4943 dated.24.04.1982 and worked up to 20.10.1982. Thereafter, he was once again appointed as Lab.Asst., vide Office Order No.6501 dated.17.8.1983 in the Department of Zoology. Again, the petitioner was re-designated as Sr.Lab.Asst., vide Office Order No.6637 dated.13.5.1987 and confirmed in the same post vide Office Order No.13791 dated 27.10.1987 in the scale of pay of Rs.1005-1830. The petitioner was subsequently re-designated as Demonstrator (Non-Teaching) vide Office Order No.9633 dated 01.08.1989 with retrospective effect from 01.01.1985 in the scale of pay Rs.1090-1950/-. Subsequently the word (NT) of the re-designated Demonstrators was deleted as per Govt. Circular No.17342/EYS dated. 10.04.1989 subject to condition that they cannot claim higher post or higher UGC/State Govt. scale of pay at any point of time as contained in the above mentioned G.O., implemented by Berhampur University vide Order No.5380/Estt-I/BU/90 dated.21.04.1990. And the petitioner retired from the service on superannuation on 28.02.2018.

Whereas, the Hon'ble High Court in their Judgment delivered on 30.9.2011 in case of General Secretary, Utkal University Demonstrator's Association versus Utkal University and others has observed in Paragraph 19 as follows:

"In view of the above, this Court comes to the conclusion that since the U.G.C has approved the pay scale of Demonstrators / Tutors, they shall be given financial benefits as admissible to them. Accordingly, the writ petition is allowed. It is directed that the pay scale of the members of the petitioners' Association will be fixed notionally and annual increment will be allowed till 01.01.1986, but no financial benefit will be given from 01.01.1986 to 01.01.1996. It is further directed that the scale of pay of the Tutors i.e., Rs.1740-3000/- and the scale of pay of Demonstrators Rs.2200-4000/-, who have reached at the stage of Rs.2700/-, shall be fixed w.e.f.01.01.1986. It is further



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directed that the employees are also entitled to get revised scale of pay introduced by the UGC w.e.f. 01.01.1996 with the corresponding pay scale of Rs.5500-9000/- (Rs.1740-Rs.3000) and Rs.8000-13500/- (2200-4000). It was brought to our notice that the Demonstrators are being paid a consolidated salary of Rs.7500/-. We direct that their pay scale will be revised as per the direction of this Court within three months and the differential salary be disbursed in their favour."

Whereas, the petitioner is not eligible in view of the Judgment cited above because:

(1) The petitioner was not holding the post of Demonstrator on 01.01.1986 since no post of Demonstrator was existing in Berhampur University on 01.01.1986 as envisaged in the UGC Letter F.I-21/87-U-I dated 17.6.1987, which reads that: "The revised scale of pay of tutors and demonstrators is for the existing incumbents of these positions in the Universities and Colleges".

In fact, the petitioner was initially appointed in Berhampur University as Lab. Assistant temporarily against leave vacancy of Dr. P.K. Panigrahy, Lab. Asst. with B.Sc., B.Ed., qualification vide order No. 16653 dated. 01.12.1981 in the Department of Botany and joined duty on 04.12.1981. Consequent upon joining of Dr.Panigrahi, Sri Senapati was again appointed as Storekeeper in the Department of Chemistry vide Order No. 4943 dated 24.04.1982 and worked up to 20.10.1982. Thereafter, he was once again appointed as Lab. Asst. vide Office Order No. 6501 dtd. 17.8.1983 in the Department of Zoology. The petitioner was re-designated as Sr. Lab. Asst. vide Office Order No. 6637 dated 13.5.1987 and confirmed in the same post vide Office Order No 13791 dated 27.10.1987 in the scale of pay of Rs. 1005-1830. Further he was re-designated as Demonstrator (NT) vide Office Order No. 9633 dated 1.8.89 and their scale of pay was revised to Rs. 1090-1950/- with retrospective effect from 01.01.1985. This Office Order was issued in pursuance of the Syndicate Resolution No. 58 dated 29.7.89 based on the Letter No. 29561/EYS dated 30.6.1989 and communicated vide Memo No. 5600(3)/SG dated 7.7.89 of the Under Secretary to the Governor, Orissa, although there was no specific instruction in the said letter for extending such benefits retrospectively.

(2) The petitioner had not reached Rs. 2700/- as on 1.1.1986 in conformity with the judgement pronounced in OJC No. 1088/2000 rather he was drawing Rs. 1160/- as on that date.

In fact, the State Government in the Department of Higher Education, Odisha vide its letter No. 538/HE dated 08.01.2019 has directed the University



to furnish information relating to (1) Names of Demonstrators in various Departments of Berhampur University and (2) Names of Demonstrators who had reached the stage of Rs.2700/-in their scale of pay on 01.01.1986. In reply to this letter, the University vide its letter No.947/Admn.II (NT) dated 05.02.2019 has furnished the names of all the Demonstrators (re-designated on 01.08.1989) along with their departments and pay as on 01.01.1986. In the said letter, it is clearly mentioned that the petitioner was drawing Rs.1160/-as on 01.01.1986.

As per the above stated facts, as the petitioner was not holding the post of Demonstrator on 01.01.1986 and had not reached Rs. 2700/- as on 01.01.1986, he is not eligible to get the benefit of UGC Scale of Pay in accordance with the judgment pronounced by the Hon'ble Court in OJC No. 1088 of 2000 in case of General Secretary, Utkal University Demonstrators' Association Versus Utkal University and others.

In view of the above position of facts and in compliance to the order dated 09.09.2016 passed by the Hon'ble High Court of Orissa in W.P. (C) No. 15457 of 2016 filed by Sri Ramakrushna Senapati, Retd. Demonstrator versus Berhampur University and Others, the representation of the petitioner dated 28.9.2015, 08.02.2016, 04.01.2016 & 25.03.2016 Annexure-4 series have been considered and being found to be devoid of merit, disposed of without extending the benefits of UGC Scale of Pay as requested.

This order is being issued in continuation of the earlier order issued vide Office Order No.7389/Admn-II(NT) dated 13.10.2018 and pursuant to the instructions/directions of the Department of Higher Education, Odisha, Bhubaneswar vide their Letter No. 46940/HE dated. 18.11.2021.

By Order of Vice-Chancellor

BY REGISTERED POST

REGISTRAR 10/2/22

✓ Memo No. 1166 /Admn-II(NT)

Date 11.2.2022

Copy forwarded to the petitioner Sri Ramakrushna Senapati, Retd. Demonstrator, Berhampur University, At: Panchanan Nagar, Old Berhampur-2 (Ganjam) for information.

REGISTRAR 10/2/22



BY REGISTERED POST

Memo No. 1167 /Admn-II(NT)

Date 11.2.2022

Copy submitted to the Registrar (Judicial), Hon'ble High Court, Orissa, Cuttack with reference to and in compliance of Order dated.09.09.2016 passed by the Hon,ble High Court of Orissa in W.P. (C) No.15457 of 2016 and CONT.No.1129 of 2017 (disposed on 3.11.2017) & CONT.No.738 of 2018 (Sri Ramakrushna Senapati versus Sri G.V.V. Sarma and others).

*[Signature]*  
REGISTRAR

BY REGISTERED POST

Date 11.2.2022

Memo No. 1168 /Admn-II(NT)

Copy to the Additional Secretary to Government, Higher Education Department, Odisha, Bhubaneswar for information with reference to his letter No.HE-FEIA-CASE-0016-2018:46940/HE dated 18.12.2021.

*[Signature]*  
REGISTRAR

BERHAMPUR UNIVERSITY  
BHANJABIHAR: BERHAMPUR-7 (GANJAM)

No. 2206 <sup>(3)</sup> /Admn-II (NT)

Date. 14.3.2022

1. Copy to University Notice Board.
- ✓ 2. Copy to Web Administrator, Berhampur University for uploading in the University Website.
3. Copy to O.I.C, Legal, Berhampur University for information and necessary action.

*[Signature]*  
REGISTRAR  
BERHAMPUR UNIVERSITY