

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 397 of 2022

Sangita Mohapatro

.....

Petitioner

Mr.A.K. Jena, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

11.01.2022

Order No.

01

This matter is taken up through video conferencing mode.

2. Heard.

3. The petitioner has filed this application seeking direction to opposite parties to allow the petitioner grade pay of Rs.5400/- with effect from 13.07.2016, i.e. the date of eligibility of getting 3rd RACP.

4. Learned counsel for the petitioner states that similar question had come up for consideration before a Division Bench of this Court in W.P.(C) No. 2831 of 2016 disposed of on 27.06.2016 (*State of Odisha and another v. Bihari Lal and others*), which was arising out of an order dated 12.03.2015 passed by the State Administrative Tribunal in O.A. No. 520 of 2014 and this Court quashed the order dated 21.12.2013 (wrongly mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial upgradation in the posts of GPEO/PA, ABDO/SDPO and DPO on completion of 10/20/30 years of service in the post of VLW under the RACP scheme. Therefore, the petitioner's case may be considered in the light of the said judgment.

5. Learned Addl. Government Advocate states that if the Division Bench of this Court has resolved the issue, then the

petitioner may approach the authority concerned ventilating his grievance.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court grants liberty to the petitioner to approach the authority concerned by filing representation bringing the notice of the authority the judgment in *Bihari Lal* (supra), to which the authority shall apply his mind and pass appropriate order within a period of four months from the date of communication of this order. While considering the grievance of the petitioner, the order dated 19.02.2021 in Annexure-9 will be taken into consideration.

7. With the above observation and direction, the writ petition stands disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

Arun

(Dr. B.R. Sarangi)
Judge