

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1413 of 2022

Samir Ranjan Das

Petitioner
.....
Mr. Laxmi Kanta Mohanty, Advocate

-versus-

State of Odisha and others

Opposite Parties
.....
Mr. YSP Babu, AGA

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
08.02.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate for the State.
3. The present writ application has been filed by the Petitioner with the following prayer:

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the Opposite Parties calling upon them to file show cause as to why the letter no.107 dated 10.1.2022 under Annexure-9 and letter no.110 dated 10.1.2022 under Annexure-10 issued by the Opposite Party No.3 in reducing the grade pay of the Petitioner from Rs.4800/- to Rs.4200/- shall not be quashed and after hearing the parties be pleased to quash/set aside the order of reduction of grade pay of the petitioner vide letter no.107 dated 10.1.2022 under Annexure-9 and consequential letter no.110 dated 10.1.2022 under Annexure-10 fixing the grade pay of the petitioner as Rs.4200/-.

A further direction be issued to the opp. party no.3 to refix/release grade pay of the Petitioner to Rs.4800 as 3rd RACP benefits as per earlier pay fixation order dated 6.2.2015 under Annexure-5.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been denied pensionary benefit which he is are entitled to.

Further, it is submitted by the learned counsel for the Petitioner that the order dated 03.11.2020 under Annexure-8 impugned in this case has been quashed by this Court in W.P.(C) No.32191 of 2020 (*Sanju Dei and others v. State of Odisha and others*). In such view of the matter, learned counsel for the Petitioner submits that the case of the Petitioner shall be considered in the light of the judgment delivered by this Court in *Sanju Dei and others v. State of Odisha and others, in W.P.(C) No.32191 of 2020* disposed of on 17.03.2022.

5. Learned Additional Government Advocate on the other hand submits that since this Court has already quashed the order dated 03.11.2020 under Annexure-8 in *Sanju Dei and others (supra)*, let the authority be directed to reconsider the matter afresh taking into consideration the order passed by this Court in *Sanju Dei and others (supra)*.

6. Having heard learned counsel for the parties and considering the limited nature of grievance, this Court deems it proper to set aside the impugned order dated 03.11.2020 under Annexure-8. Further the matter is remanded to the authority. In the event the Petitioner's case is covered by the judgment delivered by this Court in *Sanju Dei and others (supra)* in such eventuality the Opposite Parties shall do well to sanction and disburse the pensionary benefit payable to the Petitioner within a period of two months from the date of production of certified copy of this order.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)
Judge