

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 18517 of 2016

Bankim Bihari Mohanty

....

Petitioner

Mr. Manoranjan Nayak along with
Mr. Sameer Kumar Das, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Debasis Mohapatra, SC, S&ME Department
for OPs.1 & 3

**CORAM:
JUSTICE M.S.SAHOO**

ORDER
11.4.2022

Order No.

9.

1. This matter is taken up by hybrid mode.
2. The writ petition has been filed by the petitioner in the year 2016 with a prayer :

“to direct the opposite parties more specifically O.P.No.3 to modify his order under annexure-7 and to re-fix the pay of the petitioner in 1st and 2nd Revised Assured Career Progression (RACP) from 8.9.1998 and 8.9.2008 in the Grade Pay Rs.4600/- and Rs.4200/- as per the decision of the State Government in letter no.8857 dtd.1.5.2014 under Annexure-5 and the subsequent decision in letter no.24359 dtd.2.12.2015 under Annexure-8;

And further the Hon’ble Court be pleased to direct the opposite parties to calculate the differential arrears of the petitioner in the aforesaid manner and pay him the actual financial benefit w.e.f. 1.1.2013 with the next increment and other consequential arrears within a stipulated period as deem fit and proper;”

3. Counter affidavit on behalf of O.P.No.3 has been filed which is on record. Paragraphs 5, 7 & 8 are follows :

“5. That it is humbly and respectfully submitted that Govt. in School and Mass Education Department, Odisha have extended three financial up-gradation under RACPS counted from the direct entry grade on completion of 10, 20 and 30 years of service in the entry grade for the teaching and non-teaching employees working against sanctioned posts of aided educational institutions vide Resolution No.20734/SME Dt.05.10.2015. Para-G of the said resolution Dt.05.10.2015 envisages that the financial up-gradation under the RACPs which means the pay shall be raised by 3% of the total pay in the pay band and grade pay drawn before such up-gradation. The employee will get the next higher grade pay as per the first schedule under ORSP Rules, 2008 with the interpolations, if any introduced subsequently.

7. That it is humbly and respectfully submitted that Finance Department Resolution No. 1417/F Dt.17.01.2015 is very clear which envisages that three levels of RACP shall be decided on the basis of the pay band and grade pay at which the employee entered into the Govt. service. The petitioner joined on 07.09.1988 as a Hindi Teacher having +2 Arts, Pravina in Hindi qualification. As per the Govt. provisions under ORSP Rules, 1985, the petitioner may eligible for the time scale of pay Rs.840-1240/-. Subsequently the petitioner acquired B.A. qualification and Shastri in Hindi qualification during the year 1989 and also Hindi Teachers Training Certificate Examination on 15.12.1997. The appointment of the petitioner was approved vide office order No.6100 Dt.06.11.1995 of the then Inspector of Schools, Kendrapara in the time scale of pay Rs.1350-2200/- became eligible to receive GIA as admissible w.e.f. 01.06.1994 as per G.O. No.12899/SME Dt.02.05.1995 and No.18255/SME Dt.06.06.1995. When the petitioner is untrained one and has no requisite training qualification as on 01.06.1994 (date of GIA and approved entry grade), he is entitled for untrained scale of pay Rf.1350-2200/- and its corresponding grade pay Rs.2800/- from the date of entry grade and not for higher grade pay Rs.4200/- meant for the Hindi

Teachers having requisite revised common qualification.

8. That it is humbly and respectfully submitted that the financial up-gradation under RACP have been allowed to the other members of the staff like Headmaster, TG Teachers and Jr. Clerk of the petitioner's school along with all other similarly situated employees of non-Govt. aided educational institutions of Kendrapara district w.e.f. 01.08.2015 counting 10 and 20 years of service from the date of receipt of GIA i.e. w.e.f. 01.06.1994 pursuant to Govt. Resolution Dt.05.10.2015 and review report issued by the Directorate of Secondary Education, Odisha, Bhubaneswar vide letter No. 33996 Dt.14.10.2016. In accordance with the prevailing Rules contained in Finance Department Resolution Dt.06.02.2013, 20.01.2014 and 17.10.2015 along with clarification letter Dt.01/05.2014 issued by the School & Mass Education Department, Odisha, the petitioner is eligible to draw Grade Pay 4200 and 4600/- on completion of 10 and 20 years of service respectively w.e.f. 01.08.2015 instead of Grade Pay 4600 and 4800/- in the 1st and 2nd stage of up-gradation under RACPs."

4. Learned Standing Counsel reiterates the submissions on behalf of the State as quoted above from the counter affidavit.

5. Learned counsel for the petitioner does not want to pursue the litigation and submits that the petitioner may be permitted to withdraw the matter. To that effect, a Memo dated 11.4.2022 has been filed which is taken on record.

7. Accordingly, the writ petition is disposed of as not pressed.

(M.S.Sahoo)
Judge