

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4719 of 2022

Ramesh Chandra Tripathy

....

Petitioner

Mr. Agasti Kanungo, Advocate
-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
04.04.2022

01.

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

“It is therefore ;rayed that this Hon’ble Court may be graciously pleased to issue a writ of mandamus directing the Opp.Parties No.1 and 2 to extend the benefit of up-gradation w.e.f. 28.03.1998 the 1st up-gradation (10 years) G.P. Rs.2800/- and w.e.f. 28.03.2008, 2nd up-gradation (20 years) in G.P/ Rs.4600/- and w.e.f. 28.03.2018 (3rd up-gradation) 30 years in Grade Pay Rs.5400/- under the MACP Scheme of vide Finance Dept. Resolution dated

06.02.2013(Annexure-2) followed by the letter dated 25.11.2013 (Annexure-3) giving complete benefit of the judgment and law decided in W.P.(C) No.2331 of 2016 Biharilal's case (State of Orissa and another vrs. Bihari Lal) disposed of on 27.06.2016.

And further be pleased to pass any other order/orders,, Writ/writs, direction/directions appropriate under the circumstances as this Hon'ble Court deem fit and proper.”

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. It is also submitted by the learned counsel for the Petitioner that the Opposite Parties be directed to consider the case of the Petitioner as per the settled law decided in the case of *State of Odisha-vrs.-Biharilal Barik* decided by this Court in W.P.(C) No.20358 of 2017 decided on 23.08.2017.

6. Considering the limited nature of prayer of the Petitioner and considering the fact that the Principal Secretary to Government,

Panchayati Raj & D.W. Department, Bhubaneswar (Opposite Party No.1) shall do well to consider the case of the Petitioner within a period of two months from the date of receipt of a certified copy of this order. The decision so taken shall be communicated to the Petitioner within a period of two weeks from the date of such decision. The case of the Petitioner shall be considered by the Opposite Party No.1 in the light of the judgment in the case of **State of Odisha-vrs.-Biharilal Barik** decided by this Court in **W.P.(C) No.20358 of 2017** decided on 23.08.2017. The writ petition stands disposed of directing the Competent Authority to dispose of the case of the petitioner by undertaking the entire exercise within a period of two months from the date of communication.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

