

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5087 of 2022

Binod Bihari Moharana

....

Petitioner

Mr. P.K. Mahapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.03.2022

Order No.

02.

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.
3. Personal appearance of Mr. Kishore Chandra Si, Deputy Secretary to Government, Energy Department, is dispensed with.
4. The present writ petition has been filed by the Petitioner with a direction to the Opposite Parties to sanction and disburse the Grade Pay of Rs.6600/- in 3rd RACP including the differential arrear within a stipulated period.
5. After hearing learned counsels for both the sides and upon perusal of record, this Court is convinced that order dated 03.02.2022 under Annexure-7 is unsustainable in law and the same is hereby set aside.
6. The Petitioner ventilating his grievance has filed a representation dated 24.02.2021 before the Principal Secretary to Government of Odisha, Energy Department, Bhubaneswar under

Annexure-6, which is stated to be pending and 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.

7. Considering the limited nature of prayer of the Petitioner and considering the fact that the representation of the Petitioner is pending before the authority, the Principal Secretary to Government of Odisha, Energy Department, Bhubaneswar (Opposite Party No.1) shall do well to consider and dispose of the representation dated 24.02.2021 filed by 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 representation of the Petitioner shall be considered by the Opposite Party No.5 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.

8. Petitioner is directed to serve an extra copy of the brief on Mr. Y.S.P Babu, learned Additional Government Advocate for the State for communication purpose.

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

(A.K. Mohapatra)
Judge

