

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6139 of 2022

Subash Chandra Mishra

....

Petitioner

Mr. A.K. Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.03.2022

Order No.

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:-

“To direct the State/Opposite Parties for sanction and disbursement of grade pay of the promotional post of District Panchayat Officer @ Rs.4,800/- in 3rd RACP w.e.f. 01.01.2013 to 18.06.2014 and grade pay of Rs.5,400/- w.e.f. 19.06.2014 till the date of retirement on 30.11.2020 to the petitioner in view of the Panchayati Raj Department notification dated 19.06.2014 under Annexure-3 where grade pay of District Panchayat Officer (DPO) has been upgraded from Rs.4,800/- to Rs.5,400/- w.e.f. 19.06.2014 and as

per the settled principle of law in Bihari Lal case and accordingly fix up pay of the petitioner and modify the pay fixation order dated 08.03.2018 under Annexure-5 and also revise the pension accordingly with payment of all consequential financial benefits.”

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.

7. 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.

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

