

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7181 of 2022

Trinath Parida

Petitioner
....
Mr.Sidhartha Samal, Advocate

-versus-

State of Odisha and others

Opposite Parties
....
Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
11.04.2022

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

 “It is therefore prayed that in the facts and under the circumstances of the matter this Hon’ble Court may graciously be pleased ;

- i) To admit the Writ Petition.
- ii) To direct the Opp.Parties to comply the order dated 13.02.2019 passed by the learned OAT, Bhubaneswar in O.A.No.628/2019 vide Annexure-1.
- iii) To pass any other alternative relief as deemed fit and just by this Hon’ble Court.

 And for this act of kindness the Petitioner as in duty bound shall ever pray.”

4. Learned counsel for the Petitioner submits 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 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 and circumstances of the case, the Opposite Parties shall do well to consider the case of the Petitioner within a period of six weeks from the date of production of 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 Parties in the light of the judgment in the case of **State of Odisha-v.-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 Opposite Parties to implement Annexur-1 to the writ application within a period of six weeks.

4. With the aforesaid observation the writ application stands disposed of.
7. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

