

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7848 of 2022

Lambodar Naik

.... ***Petitioner***
Mr. S. P. Das, Advocate

-versus-

Union of India and others

.... ***Opposite Parties***
Mr. G. Mohanty, Sr. Panel Counsel
Central Government

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 prayers:-

“The petitioner therefore humbly prays that the Hon’ble Court may be graciously pleased to admit this case, issue notice to opposite parties to show cause and after hearing both the sides may be pleased to issue a writ of mandamus/certiorari by directing the opposite parties particularly to O.P. No.3 to take immediate steps to disburse the revise scale of pay by sanctioning the three A.C.P. as well as to disburse the differential arrear with held up salary of 01.04.1997 to 09.04.1977 and then revise the pension with its arrear with cost.
And

Further be pleased to direct the O.P. No.2 i.e. Director General, C.I.S.F. to finalize the representation of the

petitioner vide Annexure-5 within a stipulated period.”

4. It is submitted by learned counsel for the Petitioner that the petitioner has been receiving MACP, RACP and 7th pay commission scale of pay as due and admissible to the petitioner. It is further submitted that the petitioner is not getting full pension and as such the petitioner approached the authority for sanctioning of the three A.C.P. as well as to disburse the differential arrears in favour of the petitioner. The authority rejected the same on the ground that the petitioner was on medical leave and the said leave has not been sanctioned. Therefore, the benefits of ACP cannot be extended in favour of the petitioner as per service procedure.

5. Learned counsel for the petitioner further submits that such benefits are available under the service procedure in the rules, however, he further submits that ventilating his grievance he has submitted a representation before the authorities on 03.08.2021 and the same is pending before the Director General, C.I.S.F., Head Quarter, New Delhi-Opposite Party No.2 for consideration as of now.

5. Learned counsel for the Central Government submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Director General, C.I.S.F., Head Quarter, New Delhi-Opposite Party No.2 to consider the representation of the petitioner dated 03.08.2021 under Annexure-5 in accordance with

law within a period of two months from the date of production of certified copy of this order. Further the Opposite Party No.2 shall do well to dispose of the representation of the petitioner by passing a speaking and reasoned order. Any decision so taken on the same shall be communicated to the Petitioner within a period of two weeks thereafter to the residential address of the petitioner which shall be provided by the petitioner to the Opposite Party No.2 along with certified copy of this order.

8. With the aforesaid direction, the writ petition stands disposed of.

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

Jagabandhu

