

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.8107 of 2022

Shashanka Sekhar Nath.

..... Petitioner
Mr.Saswat Das, Advocate

-versus-

State of Odisha and others

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

31.03.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
3. The present writ application has been filed with the following prayer:
 - “ i) Admit the writ petition;
 - ii) Call for the records
 - iii) Issue a writ in the nature of Mandamus or any other appropriate writ/writs, order/orders, direction/directions directing the opposite parties to consider the case of the petitioner and provide him grade pay in the band of Rs.5400/- with effect from 01.01.2013 as per the criteria of 2nd Revised Assured Career Progression Scheme dated 06.02.2013 within a reasonable period to be stipulated by this Hon’ble Court.
 - iv) Pass such other order/orders, direction/directions

as this Hon'ble Court may deem fit and proper.

4. It is submitted by the learned counsel for the Petitioner that although the authority has extended the benefit of 2nd RACP with the Grade Pay of Rs.4800/- whereas the Petitioner is entitled to 2nd RACP at the rate of Rs.5400/- with effect from 01.01.2013. It is further submitted by the learned counsel for the Petitioner that employees similarly placed belonging to very same departments have been extended with such benefit by virtue of order dated 22.01.2021 passed by this Court in W.P.(C) No.2337 of 202 and order dated 09.04.2021 passed in W.P.(C) No.12670 of 2021. Therefore, learned counsel for the Petitioner submits that the action of the Opposite parties so far as the present petitioner is concerned, is highly discriminatory and the authority cannot treat the same set of employees differently.

5. Learned Additional Government Advocate does not dispute the aforesaid factual aspect. However, he submits that let the opposite parties be directed to find out whether the Petitioner is similarly placed with the employees approached this Court earlier. It is also submitted that the benefit which has been extended to such employees on the order passed by this Court the same benefit be also extended to the Petitioner.

6. Considering the submissions, the writ application is disposed of at the stage of admission directing the authorities to consider the case of the Petitioner in the light of the order passed by this Court in the aforesaid two writ applications ,which have been filed along with the writ application as Annexures-5 and 6 and in the event the authority comes to a conclusion that the Petitioner is similarly placed then the benefit be extended to the Petitioner in the aforesaid two cases be also extended to the present Petitioner within a period of two

months from the date of production of certified copy of this order.

7. With the aforesaid observation the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

