

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10661 of 2021

Birendra Kumar Sethi

....

Petitioner

Mr. A.K. Behera, Adv.

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. Biplaba Mohanty, SC

(for S & ME Deptt.)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

21.10.2022

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. In this Writ Petition, the petitioners seek a direction from this Court to the Opposite Parties to extend the Revised Assured Career Progression Scheme (RACPS) benefit to them and allow them the grade pay of the promotional post i.e. Rs.4,200/- as per the common judgment dated 24.06.2022 passed by the Division Bench of this Court in W.P.(C) Nos. 7281 of 2018 (**State of Odisha and Ors. -vrs.-Saraswati Bhoi and Others**) and in W.P.(C) No.4848 of 2021 (**State of Odisha and Others-vrs.- Nilamani Behera and others**).

4. Learned counsel for the Petitioners submits that the present case is covered by the aforesaid common judgment dated 24.06.2022 passed in the cases of **Saraswati Bhoi** and **Nilamani Behera** (supra). He further submits that the present Petitioners and the Opposite Parties therein the cases of **Saraswati Bhoi** and **Nilamani Behera** (supra) and similarly placed other Assistant Teachers, being aggrieved by the action of the present Opposite Parties, had approached the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar (hereinafter referred to as “the Tribunal” for brevity) in batch of Original Applications. The Tribunal held that the Petitioners are entitled to the grade pay of Rs.4,200/- after completion of 20 years in a single cadre towards 2nd RACPS and quashed the impugned orders therein the Original Applications, by which the grade pay of the Petitioners had been reduced to Rs.2,800/- Thereafter, W.P.(C) Nos. 7281 of 2018 and W.P.(C) No.4848 of 2021 were filed before this Court at the instance of the State with a prayer to quash the order dated 24.10.2017 passed in O.A. No.2576 of 2016 and batch of cases and order dated 09.11.2017 passed in O.A. No.2499 of 2016 and batch of cases by the Tribunal. However, the Division

Bench of this Court vide the aforesaid common judgment did not find any error in the orders of the Tribunal impugned therein and dismissed the Writ Petitions filed by the State thereby confirming the orders of the Tribunal. Hence, he submits that this Writ Petition may be disposed of taking into account the common judgment dated 24.06.2022 passed in the cases of **Saraswati Bhoi** and **Nilamani Behera** (supra).

5. Learned Standing Counsel for the Department of School and Mass Education submits that he has no objection, if this matter is disposed of taking into account the common judgment dated 24.06.2022 passed in the cases of **Saraswati Bhoi** and **Nilamani Behera** (supra).

6. On perusal of the records and the common judgment dated 24.06.2022 passed in the cases of **Saraswati Bhoi** and **Nilamani Behera** (supra), it appears that the present petitioners are the similarly placed Assistant Teachers to the Opposite Parties in the cases of **Saraswati Bhoi** and **Nilamani Behera** (supra).

7. In such view of the matter, the Opposite Parties/ authorities shall examine the facts and circumstances of the present Writ Petition in the light of the common judgment dated 24.06.2022 passed in the cases of

Saraswati Bhoi and **Nilamani Behera** (supra) and if the issued involved therein is squarely covered in the present case, the authorities shall consider the Petitioner's case as expeditiously as possible preferably within a period of three months from the date of production of a copy of this order.

8. Accordingly, the Writ Petition is disposed of.

9. Issue urgent certified copy of the order as per Rules.



(Dr. S.K. Panigrahi)
Judge

SD