

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8523 of 2022

Kapileswar Behera

.... ***Petitioner***
Mr.K.K.Swain, Advocate

-versus-

State of Odisha and others

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

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
25.04.2022

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and the learned Additional Standing counsel.

3. The present writ application has been filed by the Petitioner with the following prayer:

“Under the above circumstances, it is humbly prayed that the writ application be allowed:

And

a) A writ of mandamus or an appropriate writ be issued commanding the O.Ps to grant 2nd RACP in the Grade Pay of Rs.4,600/- made in view of the judgment of the learned Tribunal in O.A.No.1452(C) of 2017 and batch of cases (Rabindra Kumar Sahoo and others v. State of Orissa and others, decided on 26.02.2019 under Annexure-2 in favour of the Petitioner as the said judgment has already been implemented;

And

b) Any other order/orders or direction/directions be issued so as to give complete relief to the Petitioner ;

4. It is submitted by the learned counsel for the Petitioner that he

has submitted a representation claiming 2nd RACP in the Grade Pay of Rs.4,600/- which has been allowed in view of the judgment of the learned Tribunal in O.A.No.1452(C) of 2017 and other batch of cases in the case of **Rabindra Kumar Sahoo and others v.State of Odisha and others** decided on 26.02.2019.

5. Learned counsel for the Petitioner relies upon the paragraph-9 of the judgment of the learned Tribunal wherein the Tribunal has categorically held that persons similarly situated like the Petitioner have been given the benefit of RACP. It is further submitted by the learned counsel for the Petitioner that he has submitted a representation before the Chief District Medical & Public Health Officer, Bhadrak on 21.12.2021 and the same is pending as of now and no decision has been taken.

6. Learned counsel appearing for the State has no objection if a direction is given to the Chief District Medical & Public Health Officer, Opposite Party No.3 to consider the representation of the Petitioner in the light of the judgment delivered by the Tribunal within a stipulated period of time.

7. Considering the aforesaid submissions and keeping in view the limited nature of grievance, the writ application is disposed of at the stage of admission directing the Opposite Party No.3 to consider the representation of the Petitioner within a period of eight weeks from the date of production of certified copy of this order. The Opposite Party No.3 is further directed to consider the representation of the Petitioner dated 21.12.2021 taking into consideration the judgment of the learned Tribunal in **Rabindra Kumar Sahoo and others v. State of Odisha and others (supra)**. The decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within two weeks thereafter.

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

RKS

(A.K. Mohapatra,)
Judge

