

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8913 of 2022

Kishor Chandra Dash

..... Petitioner

Mr. K.C. Sahu, Advocate

-versus-

State of Odisha and others

..... Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. This writ petition has been filed by the Petitioner with the following relief:

“It is therefore prayed that the Hon’ble Court be graciously pleased to grant the following relief(s):

- (i) The Hon’ble Court be pleased to admit & allow the Writ Petition;
- (ii) The Hon’ble Court be graciously pleased to direct the Opp. Party authorities to disburse the 1st RACP benefits as has been rightly granted by the Opp. Party No.4 under Annexure-14 w.e.f. 28.04.2017 i.e. prior to the introduction of ORSP Rules, 2017 in view of the proposal dtd.21.08.2017 under Annexure-4 with all consequential financial benefit as has been rightly sanctioned under Annexure-14 in favour of the petitioner within a time bound period by further declaring the impugned letter dtd.09.05.2018 of Opp. Party No.3 so also the impugned action of Opp. Party No.5 & 6 as illegal and not sustainable in the eye of law for the interest of justice;

- (iii) The Hon'ble Court be pleased to pass any other order(s)/direction(s)/writ(s) as deem fit and proper for the bonafide interest of justice.

And for this act of kindness, the petitioner as in duty bound shall ever pray."

4. It is submitted by learned counsel for the Petitioner that although the RACP benefit payable to the Petitioner has been sanctioned by the Chief District Agriculture Officer, Bargarh, vide order no.776, dated 29.02.2020 (Annexure-12), but nothing has been done in the matter to disburse the same in favour of the Petitioner as of now. He further submits that vide order dated 12.03.2021 (Annexure-13) passed by the CDAO, Bargarh, petitioner has been sanctioned RACP w.e.f. 28.4.2017, that is, the date on which he has completed ten years service as per the Government Resolution. The said order further reveals that his initial pay was fixed at Rs.9300/- with GP Rs.4200/- instead of Rs.7730/- with GP Rs.4200/- as per ORSP Rules, 2008.

5. It is further submitted by learned counsel for the Petitioner that the Petitioner had been appointed on 28.04.2007. In view of the resolution of the Government, Petitioner has completed ten years of service w.e.f. 28.04.2017 and after completion of ten years of service, he is eligible to get 1st RACP as per the Government Resolution. Accordingly, the same has been sanctioned by the CDAO, Bargarh, who is the Competent Authority. However, the Authority is not acting upon the order and the RACP which has been allowed in favour of the Petitioner from 28.04.2022 has not been released by the Opposite Party Nos.5 and 6.

6. Learned Additional Government Advocate for State, per contra, submits that the claim of the Petitioner on account of 1st

RACP benefit is under process and from the order under Annexure-12, it appears that the RACP has been sanctioned in favour of the Petitioner and the same is being processed further and therefore the present writ petition is not maintainable as the authorities have not taken any final decision in the matter.

7. Considering the aforesaid submissions and keeping in view the decision taken by Chief District Agriculture Officer (CDAO), Bargarh, Opposite Party No.4 under Annexures-12 and 14, this Court directs the Opposite Party Nos.5 and 6 to disburse the 1st RACP in favour of the Petitioner as per Annexures-12 and 14 within a period of six weeks from the date of production of certified copy of this order. It is further clarified that in view of the specific order passed under Annexures-12 and 14, the order under Annexure-7 shall not stand on the way for sanctioning and disbursing 1st RACP in favour of the Petitioner.

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

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge