

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8924 of 2022

Sri Ashok Kumar Mishra

....

Petitioner

Mr. P.K. Rath, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

02.05.2022

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. The Petitioner has filed this application seeking direction to opposite parties for sanction of grade pay of Rs.5,400/- in 3rd RACP on competition of service w.e.f. 14.02.2016 in view of Panchayati Raj Dept. Notification No.1735 dated 10.12.2016 under Annexure-3 and as per the settled principle of law in the case of *State of Odisha and another vs. Bihari Lal and others (W.P.(C) No.2831 of 2016, disposed of on 27.06.2016)* and further directs the State/opposite parties to quash the order no.437 dated 21.03.2018 under Annexure-1, where Grade Pay of Rs.4,800/- in 3rd RACP has been allowed to the Petitioner.
4. Mr. P.K. Rath, learned counsel for the Petitioner states that similar question had come up for consideration before a Division Bench of this Court in W.P.(C) No.2831 of 2016, disposed of on

27.06.2016 (*State of Odisha and another vs. Bihari Lal and others*), which was arising out of an order dated 12.03.2015 passed by the State Administrative Tribunal in O.A. No.520 of 2014 and this Court quashed the letter dated 21.12.2013 (wrongly mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial up-gradation in the posts of GPEO/PA, ABDO/SDPO and DPO on completion of 10/20/30 years of service in the post of VLW under the RACP scheme. Therefore, the Petitioner's case may be considered in the light of the said judgment.

5. Learned Additional Standing Counsel for the State states that if the Division Bench of this Court has resolved the issue, then the Petitioner may approach the Authority concerned ventilating his grievance.

6. Considering the contention raised by learned counsel for the parties and after going through the records, this Court grants liberty to the Petitioner to approach the Authority concerned by filing representation bringing the notice of the Authority the judgment in *Bihari Lal (supra)*, to which, the Authority shall apply his mind and pass appropriate order within a period of four months from the date of communication of this order.

7. With the above direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge