

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9370 of 2022

Kelu Behera

....

Petitioner

Mr. Parsuram Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

18.04.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. The present writ petition has been filed by the petitioner with the following prayer :-

“It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to direct the State/opposite parties to modify the Office order dated 01.07.2020 issued by the Finance Department under Annexure-2 by clarifying para-4 and further direct to issue the final Pension Payment Order in acting upon the order dated 27.04.2021 under Annexure-3 with further direction in the nature of writ of Mandamus to the opposite parties, more especially opposite parties No.1, 2, 4 and 5 for taking prompt action to release/issue final pension to the petitioner under Revised Assured Career Progression (RACP) Scheme in terms of the judgment of his Hon’ble Court rendered in the case of Biharilal Barik vrs. State of Odisha to secure ends of justice and further direct to revise the pension and other retiral benefits according to last revised pension of the petitioner.

And, pass any such other order/orders direction/directions as would be deemed fit and proper.”

4. Learned counsel for the petitioner contended that the petitioner has filed this writ petition seeking to quash the order dated 27.04.2021 under Annexure-3, by which the Senior Accounts Officer of the office of the Accountant General (A & E) Odisha, Bhubaneswar wrote to the Collector, Puri for returning of the service book and pension papers of the petitioner for want of documents/incomplete information and requested him to resubmit the same duly complied with. In view of such position, the Collector may resubmit the pension papers and other necessary documents to the Accountant General (A & E) Odisha, Bhubaneswar for confirmation of the same, in view of the judgment of this Court in ***Biharilal Barik vs. State of Odisha*** (W.P.(C) No. 2831 of 2016 disposed of dated 27.06.2016), which has been confirmed by the Apex Court in Diary No. 20358 of 2017 decided on 23.08.2017 settling the position of law that the grade pay of the promotional post having hierarchy in the cadre is to be made available to the Govt. employee. The said principle is applicable to the petitioner on completion of 20 years of continuous service.

5. Learned Additional Standing Counsel contended that since steps have already been taken, let the Collector be directed to forward the same to the Accounts Officer of the office of the Accountant General (A & E) Odisha, Bhubaneswar for taking necessary steps for payment of pension to the petitioner.

6. Considering the aforesaid submissions made by the parties and limited nature of grievance, this Court disposes of the writ petition at

the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim before the Collector and District Magistrate, Puri within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, while considering the case of the petitioner, shall take into consideration the judgment of this Court in ***Biharilal Barik*** (supra), the same shall be disposed by passing a speaking and reasoned order within a period of four months from the date of filing of fresh representation. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

7. With the aforesaid observation/direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

(***A.K. Mohapatra***)
Judge