

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9402 of 2022

Razia Sultana

....

Petitioner

Mr. Nira Sundar Panda, Advocate

-versus-

The State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, Advocate

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

09.05.2022

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 30 years of continuous service in view of Finance Department Resolution No.1417, dated 17.01.2015 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)* along with differential arrear financial benefits within a stipulated period of time.
4. Mr. N.S.Panda, 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 Government Advocate 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 her 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 fresh representation brining the notice of the Authority the judgment in the case of *Bihari Lal (supra)*, to which, the Authority shall apply his mind and pass appropriate order within a period of two 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