

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11068 of 2022

Sarat Kumar Swain

....

Petitioner

Mr. L.K.Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P.Babu, A.G.A.

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

ORDER

29.06.2022

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 Additional Government Advocate.
3. The present writ application has been filed with the following prayer:

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the Opposite Parties calling upon them to file show cause as to why a direction shall not be issued to grant 2nd RACP benefit in favour of the Petitioner with effect from 01.01.2013 fixing his grade pay to Rs.2800/- and to release differential arrears with effect from 01.01.2013 to 11.10.2018 and 3rd MACP benefit with effect from 25.02.2021 on completion of 30 years of service and to fix his pay matrix Rs.44,900/- as per the Finance Department resolution dated 06.02.2013 and 17.01.2015 under Annexure-3 & 4 and after hearing the parties be pleased to direct the opposite Parties to grant/release Grade Pay of the Petitioner at Rs.2800/-

with effect from 01.01.2013 as 2nd RACP benefits and release differential arrear till 11.10.2018 and grant 3rd MACP benefit with effect from 25.02.2021 fixing his pay matrix Rs.44,900/- within a date to be fixed by this Hon'ble Court.

A further direction be issued to the Opp.Parties to calculate the arrears of the Petitioner as per 2nd RACP and 3rd MACP benefits with effect from 01.01.2013 to 11.10.2018 and 3rd MACP with effect from 25.02.2021 to till date and release all the arrears within a date to be fixed by this Hon'ble Court.

And pass any other order/orders, direction/directions as this Hon'ble Court may deem fit and proper.”

4. It is submitted by the learned counsel for the Petitioner that ventilating his grievance, the Petitioner has filed a detailed representation before the Director of Public Health, Odisha Bhubaneswar, Opposite Party No.2 on 24.03.2021 under Annexure-8. It is also submitted by the learned counsel for the Petitioner that the said representation is pending without consideration as of now.

5. Learned Additional Government Advocate on the other hand submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.2 which is stated to be pending within a stipulated period of time in accordance with law.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.2 to consider the representation of the Petitioner dated 24.03.2021 under Annexure-8 in accordance with law within a period of two months from the date of production of certified copy of this order. The Opposite Party No.2 shall do well to dispose of the representation of the Petitioner in the light of law laid down in the case of **State of Odisha-vrs.-Biharilal Barik** decided by

this Court in **W.P.(C) No.20358 of 2017** on 23.08.2017 by passing a speaking and reasoned order. The decision so taken on the representation of the Petitioner, shall be communicated to the Petitioner within a period of two weeks thereafter.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy as per Rules.

(*A.K. Mohapatra*)
Judge

RKS

