

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11146 of 2022

Sri Siddhartha Kumar Nath ***Petitioner***
Mr. Prasanta Kumar Mishra, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr. K.K. Nayak, ASC for State

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. This writ petition has been filed by the Petitioner with the following relief:

“It is prayed, therefore that as on 01.01.2013 since the petitioner had completed more than 30 years of service entry grade post, i.e. Junior Engineer, this Hon’ble Court may graciously be pleased to;

- i) Direct the Opp. Parties to grant G.P. of Rs.4600/- w.e.f. 01.01.2013 towards 1st RACP on completion of 10 years of service in entry grade post, G.P. of Rs.5400/- towards 2nd RACP on completion of 20 years of service in entry grade post and G.P. of Rs.6600 with P.B.-3 w.e.f. 01.01.2013 on completion of thirty years of service in entry grade post as the aforesaid Grade pays are attached to the promotional posts i.e. Assistant Engineer, Assistant Executive Engineer and Executive Engineer in view of law decided in the case of ***State of Odisha and***

others vs. Bihari Lal and others and Annexures-2 & 3;

- ii) And direct the Opp. Parties to re-fix the pay of the Petitioner accordingly w.e.f. 01.01.2013 and revise the pay under ORSP Rules, 2017 and disburse the arrear dues within a time to be stipulated by this Hon'ble Court.
- iii) And further be pleased to direct the Opp. Parties to compute his pension and other retirement dues and disburse the arrear retirement dues within a stipulated period of time;
- iv) Pass such other order(s), direction(s) as deem fit and proper to the facts and circumstances of the case to give complete relief to the Petitioner.

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 Petitioner is entitled to get the RACP benefits, but he has not been extended such benefits. It is further submitted by learned counsel for the Petitioner that as on 1.1.2013, the Petitioner has already completed 32 years of service as a Junior Engineer. In view of Annexure-2, Petitioner is eligible to get 1st, 2nd and 3rd RACP benefits after completion of 10, 20 and 30 years of service as provided under Resolution dated 6.2.2013 (Annexure-2).

5. Learned counsel for the State on the other hand submits that Petitioner has already approached the Authorities by filing representation dated 12.11.2021. It is stated the same is still pending for consideration. Learned counsel for the State submits that let the Competent Authority be directed to take a decision on the representation of the Petitioner taking into consideration the resolution of the Government dated 6.2.2013 under Annexure-2.

6. Having heard learned counsel for the parties and taking into consideration the fact that Petitioner has already rendered 32 years of service on 1.1.2013, he is covered under the resolution of the Government dated 6.2.2013 under Annexure-2 and further taking into consideration the fact that similar benefits have already been extended to similarly situated employees of the government, this Court directs the Petitioner to file a fresh representation before the Opposite Party No.1 by highlighting his grievance along with the documents he is relying upon in support of his claim within a period of two weeks along with certified copy of this order. In the event such representation is filed, the same shall be considered in accordance with law and keeping in view the principle laid down by this Court and confirmed by the Hon'ble Supreme Court 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 shall dispose of the representation of the Petitioner by passing a speaking and reasoned order within a period of two months from the date of filing the representation. Decision so taken on the representation shall be communicated to the Petitioner within a period of two weeks thereafter. Further, in the event the Authority come to a conclusion that Petitioner is entitled to the benefits as claimed by him, the same may be disbursed within a further period of two months thereafter.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge