

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11305 of 2022

Debaraj Baral

..... Petitioner
Mr. Parsuram Das, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr. P.C. Das, 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 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 part-4 and further direct to issue the final Pension Payment Order in acting upon the order dated 31.10.2019 under Annexure-3 with further direction in the nature of writ of Mandamus to the opposite parties, more specifically opposite parties No.1, 2, 4 & 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 this Hon’ble Court rendered in the case of *Biharilal Barik vs. 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.”

4. It is submitted by learned counsel for the Petitioner that the prayer made in the writ petition is covered by a judgment of this Court in the case of ***Biharilal Barik vs. state of Odisha (W.P.(C) No.2831 of 2016, disposed of on 27.06.2016***), which has been affirmed by the Hon'ble Supreme Court in Diary No.20358 of 2017 decided on 23.08.2017. Learned counsel for the Petitioner further submits that he undertakes to file a afresh representation before the Authority indicating the benefits claimed by the Petitioner as per the judgment in the case of *Biharilal Barik (supra)*.

5. Learned counsel for the State on the other hand submits that he has no objection if the Petitioner files a fresh representation before the Authority in the light of the judgment cited supra, which may be considered and disposed of by the Authority within a stipulated period of time.

6. Considering the aforesaid submissions and the limited nature of grievance, this writ petition stands disposed of at the stage of admission with a direction to the Petitioner to file a fresh representation before the Collector, Puri, Opposite Party No.4 highlighting his grievance within a period of two weeks from today. In the event, such a representation is filed before the Opposite Party No.4, the same shall be considered and disposed of by passing a speaking and reasoned order within a period of two months thereafter. However, decision so taken shall be communicated to the Petitioner within a period of two weeks. In the event the Authorities come to a conclusion that the case of the Petitioner is covered by the judgment of Hon'ble Apex Court in the case of ***Biharilal Barik (supra)***, the final benefits which are payable to the Petitioner shall

be paid to him within a period of two months from the date of taking a decision in the matter.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

