

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11660 of 2022

Santanu Kumar Mishra

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.05.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the record.

3. The present writ petition has been filed by the Petitioner with the following prayer:-

“To direct the State/Opposite Parties for sanction and disbursement of grade pay at the enhanced rate of Rs.4800/- in 2nd RACP w.e.f. 19.6.2017 till the date of retirement on 30.11.2020 in view of Finance Deptt. Resolution No.26274 dt.8.8.2013 under Annexure-3 where grade pay of feeder post has been enhanced from Rs.4600/- to Rs.4800/- w.e.f. 8.8.2013 and also as per the settled principle of law in Bihari Lal case and accordingly, the pension of the petitioner be revised with payment of consequential arrear financial benefits”.

4. 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 v. 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 order dated 21.12.2013 (wrongly

mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial upgradation 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. It is also submitted by the learned counsel for the Petitioner that the Opposite Parties be directed to consider the case of the Petitioner as per the settled law decided in the case of **State of Odisha-vrs.-Biharilal Barik** decided by this Court in W.P.(C) No.20358 of 2017 decided on 23.08.2017.

6. Considering the limited nature of prayer of the Petitioner and considering the fact that the Principal Secretary to Government, Panchayati Raj & D.W. Department, Bhubaneswar (Opposite Party No.1) shall do well to consider the case of the Petitioner within a period of two months from the date of receipt of a certified copy of this order. The decision so taken shall be communicated to the Petitioner within a period of two weeks from the date of such decision. The case of the Petitioner shall be considered by the Opposite Party No.1 in the light of the judgment in the case of **State of Odisha-vrs.-Biharilal Barik** decided by this Court in **SLP No.20358 of 2017** decided on 23.08.2017. The writ petition stands disposed of directing the Competent Authority to dispose of the case of the petitioner by undertaking the entire exercise within a period of two months from the date of production of certified copy of this order.

Issue urgent certified copy as per Rules.

(Biraja Prasanna Satapathy)
Judge