

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12759 of 2022

Ranjita Palai

....

Petitioner

Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.07.2022

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 counsel for the State. Perused the record.
3. The present writ petition has been filed by the Petitioner with the following prayer:

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to:

- (i) direct/order the Opp. Parties to allow the Grade pay of Rs.4200/- and Rs.4600/- towards 2nd and 3rd Financial Up-gradation under RACP Scheme on completion of 20 and 30 years of service as Revenue Clerk w.e.f. 01.01.2013 and 2015 respectively in the light of the benefits given to other similarly situated persons vide Annexure-3 Series and as well as the principles decided in ***Biharilal Barik vs. State of Orissa and others***) vide Judgment dated 27.06.2017 in ***W.P.(C) No.2831 of 2016***, which has been affirmed by the Hon’ble Supreme Court of India in SLP Diary No.20358 of 2017 and accordingly her pay may be fixed and the accrued arrear may be paid to her within

a stipulated period and thereby quash the order dated 07.02.2022 as at Annexure-8;

- (ii) pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice;

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

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 vs. Biharilal Barik 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 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. It is also submitted by the leaned 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 vs. Biharilal Barik***, decided by this Court in W.P.(C) No.20358 of 2017 on 23.08.2017.

6. Considering the limited nature of prayer of the Petitioner and considering the fact that the Secretary to Govt., Water Resources Department, Odisha, 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 vs. Biharilal Barik*, decided by this Court in *W.P.(C) No.20358 of 2017* on 23.08.2017.

7. The writ petition thus stands disposed of.
8. Issue urgent certified copy as per rules.

(*A.K. Mohapatra*)
Judge

U.K. Sahoo

