

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13012 of 2022

Bipin Maharana

....

Petitioner

Mr. Jyotirmay Gupta, 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:

“The petitioner therefore, humbly prays that the Hon’ble Court may be graciously pleased to allow this writ application, issue notices to the opposite parties for show-cause and further be pleased to issue a writ of Mandamus/Certiorari or any other directions which will deem fit and proper to this writ application by directing the Opp. Parties to fix the pay of the petitioner in Level-8, Cell-24 at Rs.57,000/-. From 25.02.2017 to 30.11.2019 in the pay Matrix of ORSP Rules 2017 on the basis of the judgment dated 27.06.2016 in WPC No.2831 of 2016 (**State of Odisha vrs. Biharilal Barik**) vide Annexure-1 and as per Letter No.19420 dated 01.07.2020 of Finance Department vide Annexure-3 as per Rule 13(ii) of Finance Deptt. Notification No.SRO No.414/2017 and to disburse differential arrear dues with modification of order No.4221 dated 30.12.2019 of the BDO, Semiliguda for enhancement of grade pay Rs.5400/- vide Annexure-4 within a stipulated

period.

And for which act of kindness, the Petitioner as in duty bound shall 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 Commissioner-cum-Secretary, P.R. Department, Govt. of 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

