

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14563 of 2022

Saroj Kumar Padhy

....

Petitioner

Mr. R.K. Bisoi, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.06.2022

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:-

“In views of the aforesaid facts and circumstances as narrated above, it is ardently prayed that this Hon’ble Court be graciously pleased to direct the Opp. Party No.3 to sanction and disburse the 3rd RACP benefits of Rs.4600/- w.e.f. 71.8.2013 on completion of 20 years of service as per Annexure-2 and fixation of his pay in Level No.10 of the 7th Pay w.e.f. 1.1.2016 with revision and accordingly all arrear may be disbursed to petitioner with revision as per Notification under Annexure-5 and accordingly all arrear may be disbursed to petitioner with revision of pension within a time stipulation as fixed by this Hon’ble Court.

And/or issue any other appropriate writ/ writs, order/orders, direction/directions as deem fit and

proper in the fitness of the case.”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 20.08.2011 under Annexure-6 before the Secretary to Government, Finance Department, Bhubaneswar (Opposite Party No.3), the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. 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.

6. 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.

7. Considering the submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Secretary

to Government, Finance Department, Bhubaneswar (Opposite Party No.3) to consider the representation of the petitioner dated 20.08.2021 under Annexure-6 taking into account the Annexures-4 and 5 in accordance with law within a period of two months from the date of production of certified copy of this order. Further, it is directed that 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 **W.P.(C) No.20358 of 2017** decided on 23.08.2017. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

