

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12622 of 2022

Salma Dei & others

....

Petitioners

Mr.Laxmikanta Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.Y.S.P.Babu, A.G.A..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.06.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Additional Government Advocate.
3. The Petitioners have filed the present writ application with the following prayer:

“It is therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the opposite parties calling upon them to file show cause as to why a direction shall not be issued to grant grade pay of Rs.4600/- as 2nd RACP benefit and Grade Pay of Rs.5400/- as 3rd RACP to the Petitioners on completion of service respectively as per Finance Department Resolution dated 06.02.2013 under Annexure-2 and judgment passed by this Hon’ble Court in between State of Orissa and others vrs Biharilal Barik in W.P.(C) No.2831 of 2016 dated 27.06.2016 and the order passed by Panchayati Raj Department dated 04.02.2022 under Annexure-9 as well as the order passed in W.P.(C) No.32191 of 2020 dated 17.03.2022 under Annexure-10 and after

hearing the parties be pleased to direct the Opposite Parties to grant grade pay Rs.4600/- as 2nd RACP benefit and Grade Pay Rs.5400/- as 3rd RACP benefit on completion of 20 and 30 years of service respectively, by quashing the order of grade pay dated 29.08.2022 issued by the Opposite Party No.3 under Annexure-7.

A further direction be issued to the Opposite Parties to calculate and release arrears of the Petitioners from the date of entitlement of 2nd RACP and 3rd RACP benefits to till date and release the same in favour of the Petitioner within a date to be fixed by this Hon'ble Court.

And pass any other order/orders, direction/directions as this Hon'ble Court may deem fit and proper.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioners are covered by the decision of this Court in the case of **Sanju Dei and others-vrs. State of Odisha and others** decided on 17.03.2022 in W.P.(C) No.32191 of 2010. Therefore, the learned counsel for the Petitioner prays that the matter be remanded to the authority in the light of the judgment decided in **Sanju Dei case** (supra).

5. On the other hand, learned Additional Government Advocate submits that the authority examined the case of the Petitioners and asked as to whether the petitioners' case is **covered by the judgment rendered** in the case of **Sanju Dei** (Supra) and in the event it is found that the Petitioners are covered by the judgment, then the benefit as admissible may be extended in favour of the Petitioner.

6. Considering the aforesaid submissions and upon examination of the writ application, this Court disposes of the writ application at the stage of admission by staying the impugned order dated 03.11.2020 under Annexure-8 and the matter is now remanded back to Opposite Party No.1 to consider the matter afresh in the light of the judgment rendered in the case of Sanju Dei and others-vr.State of Odisha and others. Further the Opposite Party No.1 is directed to

consider the matter and depose of the same by passing a reasoned and speaking order without a period of two months from the date of production of certified copy of this order.

7. With the aforesaid observation, the writ application is disposed of.

8 Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

