

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14805 of 2022

Surendra Behera

....

Petitioner

Mr. Sapan Kumar Pal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
27.06.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned counsel for the State.
3. The present writ petition has been filed by the Petitioner with the following prayer:

“It is therefore, humbly prayed that this Hon’ble Court may graciously be pleased to admit the Writ petition, and after hearing the petitioner’s counsel issue a Writ/writs in nature of mandamus directing the Opp. P[arties No.3 to sanction/sanction 4600/- Grade Pay in the P.B.2 (9300/- to 34,800/-) w.e.f. 01.01.2013 to 31.04.2015 and pay Rs.44,900/- in Level-10, Cell-1, w.e.f. 1.1.2016 attached to the promotional post in MACP entitlement to the post of Asst. Fishery Officer towards 2nd RACP on completion of 20 years of service as per the pay

matrix O.R.S.P. Rules, 2017;

And pass any other order/orders as would be deemed fit and proper;

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

4. It is submitted by learned counsel for the Petitioner that the Authorities have although extended the benefits under 2nd RACP scheme, however, he has been paid less under the same scheme. Learned counsel for the Petitioner further submits that persons similarly situated have been extended a better scale of pay than what has been given to the present Petitioner. This prima facie appears to be discriminatory and arbitrary on the part of the Opposite Party No.3.

5. Learned counsel for the State on the other hand submits that the Authority may be directed to examine the said aspect.

6. Considering the aforesaid submission and keeping in view the allegation made in the writ petition, prima facie it appears that the action of the Authority is arbitrary and discriminatory in nature. Accordingly, this Court directs the Petitioner to file a fresh representation before the concerned Authority highlighting his grievance with all supporting documents along with certified copy of this order within a period of two weeks from today. In such event, the Authority shall consider and dispose of the representation of the Petitioner strictly in accordance with law by passing a speaking and reasoned order within a period of two months. Decision so taken be communicated to the Petitioner within a period of two weeks. It is

further directed that the Authority shall consider the representation of the Petitioner and extend the benefits in the event it is found that similar benefits have been extended to other similarly situated persons working in different departments of the Government of Odisha.

7. With the above direction, the writ petition stands disposed of.

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

U.K. Sahoo

