

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15014 of 2022

Netrananda Naik

....

Petitioner

Mr. Laxmikanta Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

08.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties.
3. It is submitted by the learned counsel for the Petitioner that the Petitioner is getting 1st RACP benefit. It is further submitted by the learned counsel for the Petitioner that the Petitioner has been extended with the 2nd RACP benefit. The benefit under the 2nd RACP has been upgraded and the Petitioner is eligible to Grade Pay of Rs.5400/- at Pay Level-12 with effect from 18.06.2018, i.e. the date on which the State Government enhanced the benefit of 2nd RACP and higher scale of pay as 3rd MACP benefit dated 20.03.2022.
4. The sole grievance of the Petitioner is that although he is entitled to get the 2nd RACP upgraded Grade Pay of Rs.5400/- and 3rd MACP benefit with effect from 20.03.2022, the same is not being paid with effect from the date of Notification dated 18.06.2018.

5. On the other hand, learned counsel for the Addl. Govt. Advocate submits that the benefit under the 2nd RACP to the Petitioner is based on the entitlement of the Petitioner. Therefore, the authority is to examine the entitlement of the Petitioner to the 2nd RACP and 3rd MACP benefit from the date of Notification.

6. Considering the submissions advanced by the learned counsel for the parties and taking into consideration the materials on record, this Court disposes of the writ application directing the authorities to examine the case of the Petitioner. The Petitioner is also directed to approach the Appropriate Authority with a detailed representation along with the supporting documents within a period of two weeks from today and certified copy of this order, the Authorities shall consider the same in accordance with law within a period of three months. In the event the Petitioner is found entitled to get Grade Pay of Rs.5400/- as has been notified by the State Government as well as 3rd MACP benefit dated 20.3.2022, the same shall be sanctioned and disbursed in favour of the Petitioner within a period of two months from the date of production of certified copy of this order.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge