

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15518 of 2022

Bhagyaban Sahu

.....

Petitioner

Mr. L.K. Mohanty, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, SC, S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.12.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. L.K. Mohanty, learned counsel appearing for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to grant the benefit of 2nd RACP in his favour as per Finance Department Resolution dated 06.02.2013 and the resolution dated 01.10.2015 passed by opposite party no.1 under Annexure-4 fixing his grade pay of Rs.4200/- with effect from the date of passing Accounts Examination, and further to issue direction to the opposite parties to grant grade pay of Rs.4200/- as 2nd RACP benefit with effect from 03.11.2018.

4. Mr. L.K. Mohanty, learned counsel appearing for the petitioner at the outset contended that the case of the petitioner is covered by the ratio decided by this Court in ***Ritanjali Giri @ Paul vrs. State of Odisha (School & M.E. Deptt.) & Ors*** : 2016(I) ILR 1162. Therefore, direction be issued to the opposite parties to consider the case of the petitioner in the light of the judgment in ***Ritanjali Giri @ Paul*** (supra).

5. Mr. S. Jena, learned Standing Counsel for School and Mass

Education Department has disputed the contentions raised by learned counsel appearing for the petitioner and contended that since the petitioner claims for grant of benefit of RACP, the ratio decided in *Ritanjali Giri @ Paul* (supra) is not applicable.

6. Considering the contentions raised by learned counsel appearing for the parties and after going through the records, it appears that the petitioner was appointed as Junior clerk in Panchayat High School, Muding in the district of Kalahandi, vide order dated 22.02.1992 issued by the Secretary, Managing Committee of the said School. By that time, the School in question was an unaided Private High School. The said School was notified to receive Grant in Aid/Block Grant, vide Government Notification dated 20.02.2004, with effect from 01.01.2004. The service of the petitioner was approved by opposite party no.3, along with other staff of the School, vide order dated 30.10.2004 w.e.f. 01.01.2004.

7. The Finance Department of the Govt. of Odisha, vide resolution dated 06.02.2013, introduced RACP for State Government employees. Pursuant to the said scheme, an employee shall be entitled three RACP benefits during his service period at three stages on completion of 10, 20 and 30 years of service. Accordingly, an employee on completion of 10 years of service shall be entitled to grade pay of the next higher promotional post. As per the resolution dated 06.02.2013 of the Finance Department, the employees of Aided Educational Institutions are entitled to get the RACP benefit as applicable to their counterpart in Govt. High Schools as per Rule-9 of Recruitment Rules, 1974. However, the School and Mass Education Department passed a resolution dated

05.10.2015 extending the benefit with effect from 01.08.2015. Opposite party no.1 passed order on 16.07.2013 extending benefit of enhanced Grant-in-Aid w.e.f. 01.04.2013. Accordingly, the petitioner was granted the said benefit, vide order dated 27.09.2013 by opposite party no.3 w.e.f. 01.04.2013. So far as the claim of RACP is concerned, he was not extended.

8. Opposite party no.1 issued Grant-in-Aid Order 2017 to extend full Grant-in-Aid in favour of the High Schools receiving Block Grant, as per Grant-in-Aid Order 2004 and 2008. Accordingly, the petitioner and other staff of the School were extended Grant-in-Aid as well as benefit of ORSP Rules-2017 w.e.f. 01.01.2018, vide order dated 09.03.2022 of opposite party no.3. The petitioner passed Accounts Training, vide notification dated 03.01.2018 of Board of Revenue, Orissa, Cuttack. After passing Accounts Training, the petitioner was eligible for promotion to the post of Senior Clerk and he was entitled for higher grade pay, but till date the said benefit has not been extended to him.

9. In any case, the petitioner claims the benefit of RACP and his contention is that he is entitled to get such benefit in terms of the judgment passed by this Court in ***Ritanjali Giri @ Paul*** (supra) and ***Radharani Samal v. State of Orissa***, 2017 (I) ILR-CUT-546. But in ***Ritanjali Giri @ Paul*** (supra), the benefit of compassionate appointment has been extended to the petitioner therein in the Aided Educational Institution and the ratio decided in the said case has nothing to do with the RACP. So far as the judgment in ***Radharani Samal*** (supra) is concerned, the petitioner therein has been granted Trained Graduate Scale of pay after

attaining the age of 48 years. Thereby, both the judgments in ***Ritanjali Giri @ Paul*** and ***Radharani Samal*** (supra) are not applicable to the case of the petitioner herein. Thereby, the claim made by the petitioner for grant of RACP benefit is not admissible to him.

10. In the result, the writ petition merits no consideration and the same is dismissed.

(DR. B.R. SARANGI)
JUDGE

Alok

