

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15587 of 2022

Jaya Chandra Naik

.... ***Petitioner***
Mr. K.C. Sahu, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
04.07.2022

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:-

“It is, therefore, prayed that your Lordships may graciously be pleased to admit & allow this writ application by directing the allow the 3rd RACP benefit in favour of the petitioner on completion of 30 years of service as on 01.01.2013 by fixing his basic pay in the time scale of his promotional post i.e. Rs.9,300/- to Rs.34,800 with G.P. of Rs.4600/- in accordance with Annexure 1 & 2 so also in the light of similar such benefit has been extended in case of similar Chainman/Process server/Amin as per Annexure-4 & 5 along with financial benefits w.e.f. 01.01.2013 & thereafter the pay & pension of the petitioner be fixed as per the ORSP Rules, 2017 by granting the consequential benefits as due & admissible in his favour keeping in view of the order of learned OAT dtd. 10.04.2019 passed in O.A. No.1311/2019 under

Annexure-3 within a time bound period for the interest of justice.

And may pass nay other Writ(s), Direction(s), Order(s) as this Hon'ble Court may be deemed fit and proper;"

4. Learned counsel for the petitioner submits that the petitioner earlier had approached before the Odisha Administrative Tribunal by filing O.A. No.1311 of 2019, learned Tribunal vide order dated 10.04.2019 disposed of the matter and allowed the O.A. Further, a direction was given to the Government 3rd RACP w.e.f. 1.1.2013 in the scale of pay of Rs.9,300/- to Rs.34,800/- with Grade Pay of Rs.4,600/- and arrear be disbursed in favour of the petitioner within a period of three months from the date of receipt of a copy of this order. Further, it was observed that grade pay be fixed and pensionary benefits be paid to the petitioner within the stipulated period of time. It is also submitted by learned counsel for the petitioner that direction of learned Tribunal under order dated 10.04.2019 in O.A. No.1311 of 2019 has been carried out by the State Opposite Parties. Further similarly placed other persons have been extended such benefit under Order No.4621 order dated 19.02.2019 under Annexure-4 and Order No.25701 dated 05.10.2021 under Annexure-5

5. It is submitted by learned counsel for the State that the orders under Annexures-4 and 5 have been issued by the Director (R&R) & Ex Officio, Special Secretary to Government, Water Resources Department-Opposite Party No.2. The petitioner is claiming parity with other employees who have been given the said benefit. Further, he submits that a direction may be given to the Opposite Party No.2 to treat the petitioner equally with similarly placed other persons who have been extended such benefits under Annexures-4 & 5 and

that the Opposite Party No.2 shall do well to extend such benefit to the petitioner within the stipulated period of time.

6. Considering the aforesaid submissions made by the respective parties and upon perusal of the records, this Court thinks it fit that no fruitful result would be achieved by keeping the matter pending before this Court. This Court disposes of the writ petition at the stage of admission with a direction to the Director (R&R) & Ex Officio, Special Secretary to Government, Water Resources Department- Opposite Party No.2 to consider the case of the petitioner and in the event it is found that the petitioner's case stands on similar footing with the other employees, the petitioner be extended under 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, Opposite Party No.2 is directed to consider the case of the petitioner taking into account the order dated 10.04.2019 in O.A. No.1311 of 2019 passed by the learned Tribunal. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction the writ petition stands disposed of.

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

(A.K. Mohapatra)
Judge