

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15761 of 2022

Pradeep Kumar Mohanty Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
19.07.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition for the following reliefs:

“ On the aforesaid facts and circumstances, the Hon’ble Court may graciously be pleased to issue notice to the opp. Parties calling upon them to file show cause as to why a direction shall not be issued to the opp. Parties to grant grade pay of Rs.5400/- in favour of the petitioner as 3rd RACP benefit with effect from 25.6.2014 as per Finance Department Resolution dated 6.2.2013 and the judgment passed by this Hon’ble Court in case of State of Orissa and others Versus Biharilal Barik in W.P.(C) No.2831 of 2016 dated 27.6.2016 as well as order passed by the opp. Party no. 1 vide order dated 4.2.2022 under Annexure-8 and after hearing the parties be pleased to direct the opp. Parties to grant grade pay of Rs.5400/- in favour of the Petitioner as 3rd RACP benefit with effect from 25.6.2014 taking into consideration order passed by the opp. Party no. 1 dated 1.7.2019 under Annexure-6 in similar matter and thereafter revised the pay of the petitioner as per ORSP Rule 2017 with effect from 1.1.2016.

A further direction be issued to the opp. Parties to calculate and release all arrears of the petitioner arising out of re-fixation of grade pay and scale of pay as per ORSP Rule 2017 within a date to be fixed by this Hon'ble Court.

Pass such other orders/direction as the Hon'ble Court may deem fit and proper in the interest of justice.

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

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioner to make a fresh representation before Opp. Party No.2 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, Opp. Party No.2 shall do well to take a lawful decision on the same and taking into account Annexure-6 & 8 within a period of three months from the date of receipt of such representation. The order so passed by the Opp. Party No.1 be communicated to the petitioner.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha