

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16397 of 2022

Minati Das

....

Petitioner

-versus-

State of Orissa & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.07.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for Petitioner and 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 this Hon’ble Court may be graciously pleased to issue a writ of mandamus directing the Opp. Parties No.1, 2 and 5 to extend the benefit of up gradation 1st upgradation (10 years) w.e.f. 30/12/1998, 2nd up gradation (20 years) in GP Rs.4600/- w.e.f. 30/12/2008 under the RACP Scheme of vide Finance Dept. Resolution dated 06.02.2013 (Annexure-2) followed by the letter dated 25.11.2013 (Annexure-3) giving complete benefit of the judgment and Law decided in W.P(C) No.2331 of 2016 Bihari Lal’s case (State of Orissa and another Vrs. Bihari Lal) disposed of on 27.06.2016 and the decision taken to extend the benefit vide letter dated 01.07.2020 under Annexure-5 and re-fixation of pension of the Petitioner.

And further be pleased to pass any other order / orders, writ / writs, direction / directions appropriate under the circumstances as this Hon’ble Court deem fit and proper”.

4. Learned counsel for the petitioner states that similar question had come up for consideration before a Division Bench of this Court in W.P.(C) No.2831 of 2016 disposed of on 27.06.2013 (**State of Odisha and another v. Biharilal and others**), which was arising out of an order dated 12.03.2015 passed by the State Administrative Tribunal in O.A. NO.520 of 2014 and this Court quashed the order dated 21.12.2013 (wrongly mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial up gradation in the posts of GPEO/PA, ABDO/SDPO and DPO on completion of 10/20/30 years of service in the post of VLW under the RACP scheme. Therefore, the petitioner's case may be considered in the light of the said judgment.

5. It is also submitted by the learned counsel for the petitioner that the Opposite Parties be directed to consider the case of the Petitioner as per the settled law decided in the case of **State of Odisha-vrs.-Biharilal Barik** decided by this Court in W.P.(C) No.20358 of 2017 decided on 23.08.2017.

6. Considering the limited nature of prayer of the Petitioner and considering the fact that the Principal Secretary to Government, Department of Forest and Environment (Opposite Party No.1) shall do well to consider the case of the Petitioner within a period of two months from the date of receipt of a certified copy of this order. The decision so taken shall be communicated to the Petitioner within a period of two weeks from the date of such decision. The case of the Petitioner shall be considered by the Opposite Party No.1 in the light of the judgment in the case of **State of Odisha-vrs-Biharilal Barik** decided by this Court in **W.P.(C) No.20358 of 2017** decided on 23.08.2017. The writ petition stands disposed of directing the Competent Authority to dispose of the case of the petitioner by

undertaking the entire exercise within a period of two months from the date of communication.

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

(Biraja Prasanna Satapathy)
Judge

Subrat

