

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17612 of 2022

Sunil Kumar Kar

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.09.2022**

Order No

4.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. A.K.Das, learned counsel for Petitioner and Mr. A.P.Das, learned Addl. Standing Counsel for the State-Opposite Parties.

3. The Petitioner is aggrieved by the order dated 27.06.2022 issued by the Government-Opposite Party No.1 under Annexure-13.

4. It is submitted that even though while considering the petitioner's claim in terms of the earlier direction issued by this Court in W.P.(C) No.20684 of 2021, it was held that the Petitioner entitled to get the benefit of RACP in the light of the decision of this Court in the case of **State of Odisha and another v. Biharilal and others**. But the same was not allowed only on the ground of CCR/PAR had minimum five years is not available.

5. Taking into account the same ground of rejection, this Court on different occasion allowed time to the learned Addl. Standing Counsel to obtain instruction in the matter. Today when the matter is taken up, it is submitted that the claim of the Petitioner has not been considered due to non-availability of

the required CCR with regard to availability of the CCR, an employee has no role to play and it is the duty of the Department to produce the same. Therefore, on the ground that the CCR are not available, the claim of the petitioner should not have been rejected.

6. Hence, on that ground only the impugned order is liable to be set aside by this Court, the same is hereby quashed. While quashing the same, this Court directs the Opposite Party No.1 to reconsider the case by making availability of the required CCR and take a fresh decision within a period of two months from the date of receipt of this order. On such reconsideration, if the Petitioner is found eligible, the financial benefit shall also be extended within that time.

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

(Biraja Prasanna Satapathy)
Judge

Subrat