

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20017 of 2022

Avaya Kumar Panda

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

17.08.2022

Order No

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
1. This matter is taken up through Hybrid 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 be pleased to direct the State/O.Ps for issue of copy of the implementation order of Administrative Deptt. in respect of allowing higher grade pay of Rs.4200/- to the petitioner w.e.f 28.2.2014 and resubmit the pension papers and other relevant documents to A.G (A & E) Odisha in compliance to their letter dt.3.5.2021 under Annexure-8 for sanction of pension and other retirement benefits in favour of the petitioner.”

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 27.06.2016 **(State of Odisha and another v. Bihari Lal 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 upgradation 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, Panchayati Raj & D.W. Department, Bhubaneswar (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 **SLP 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 production of certified copy of this order.

(Biraja Prasanna Satapathy)
Judge

