

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20564 of 2022

Sagar Kumar Biswal

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.09.2022

Order No

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. R.K. Patnaik, learned counsel for the petitioner and learned Addl. Government Advocate.
3. The petitioner has filed this application seeking direction to opposite party no.1 and opposite party no.4 to sanction and disbursement of grade pay of Rs.5400/- in 3rd RACP w.e.f. 15.03.2015 and the differential arrear financial benefits be paid to the petitioner within a stipulated time.
4. Mr. R.K. Patnaik, 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 applicant is eligible to get financial up-gradation in the posts of Senior Clerk on completion of 10/20/30 years of service in the post under the RACP scheme. Therefore, the petitioner's case may be considered in the light of the said judgment.

5. Learned Addl. Government Advocate states that if the Division Bench of this Court has resolved the issue, then the petitioner may approach the authority concerned ventilating his grievance.

6. Considering the contention raised by learned counsel for the parties and after going through the records, this W.P.(C) No. 11637 of 2021 2 Court grants liberty to the petitioner to approach the authority concerned by filing representation bringing the notice of the authority the judgment in ***Bihari Lal*** (supra), to which the authority shall apply his mind and pass appropriate order within a period of four months from the date of communication of this order.

7. With the above observation and direction, the writ petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

