

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.2979 of 2018

Rabindra Nath Pradhan **Petitioner**

-versus-

State of Odisha & Ors. **Opposite Parties**

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
13.10.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. The Petitioners have filed the present Writ Petition for the following reliefs:

“In view of the facts mentioned in paragraph 6 above, the applicant prays for following relief(s):

- (i) *The Hon'ble Tribunal graciously be pleased to declare the 2nd clarification Letter No.3360 dt. 26.2.2016 of the Director, Health Services, Odisha, Bhubaneswar (Annexure-16) & Letter No. 26332, dt. 14.12.2016 of the Govt. Health & Family Welfare Department as void, nonest and nullity in the Eyes of Law in view of Art. 166 (1) of the Constitution read with Rule 11 of the Rules of Business, Govt. of Odisha & also de hors the Rule-13 of the OMHW(M) Service (Method of Recruitment and Conditions of Service) Rules, 2015,*
- (ii) *Further be pleased to direct the respondents in general & the CDMO, Ganjam in particular to allow RACP benefits to the applicants counting contractual period as qualifying service for promotion RACP as was considered for pension vide Rule 97) of the Odisha Group-C and Group-D posts (Contractual Appointment) Rules, 2013,*

AND

(iii) Further be pleased to pass any other orders/directions as deem fit and proper in the facts and circumstances of the case.”

4. Considering the submission made and without expressing any opinion on the merits of the case, the Petitioners are directed to make individual representations before the Opp. Party No. 1 by enclosing all the relevant documents and citations in support of their claim, if any, within a period of three (3) weeks hence.

5. It is observed that if such representations are filed within the aforesaid period, the Opp. Party No.1 shall do well to take a lawful decision within a period of three (3) months from the date of receipt of such representations. The order so passed by the Opp. Party No.1 be communicated to the Petitioners.

6. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha