

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3206 of 2018

Ratnakar Patel

.....

Petitioner

Mr. P.K. Nayak, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

24.09.2022

Order No.
05.

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Parties.

3. The petitioner has filed this writ petition seeking to quash the order dated 29.10.2018 under Annexure-3 and further to declare the action of opposite party no.4 in sanctioning 3rd financial upgradation under RACP Scheme in the grade pay of Rs.4200/- as just and proper.

4. Learned Counsel for the petitioners contended that the claim of the petitioners is covered by the judgment of the apex Court in the case of *State of Punjab and others v Rafiq Masih (White Washer)*, AIR 2015 SC 696 and as such, the opposite parties may be directed to consider the claim of the petitioners in terms of the ratio decided in the case of *State of Punjab and others v Rafiq Masih (White Washer)*, AIR 2015 SC 696.

5. In view of the above, the order dated 29.10.2018 under Annexure-3 is quashed. Accordingly, the writ petition stands disposed of directing the Opposite Parties to consider the case of the petitioners in terms of the ratio decided in the case of *State of Punjab and others v Rafiq Masih (White Washer)*, AIR 2015 SC 696 and take a decision within a period of three months from the date of communication of the order.

