

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 26169 of 2022

Purusottam Panda

....

Petitioner

Mr.Akash Bhuyan, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.A.Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Learned counsel for the Petitioner is directed to serve a copy of the writ petition on the learned Additional Standing Counsel in course of the day.
3. The present writ application has been filed with the following prayer:

“It is therefore prayed that your Lordship shall be gracefully pleased enough to admit the aforesaid writ application and issue writ of mandamus or any form of writ or writs issuing a Rue NISI calling upon the Opposite Parties to show cause as to why direction shall not be given to the Opp.Parties particularly Opposite Party No.1 to fix the grade pay at the rate of Rs.2800/- for 10 years and after 10 years till 20 years of service at Rs.4600/- and after 20 years till 30 years of service at the rate of Rs.5400/- instead of pay grade for service till 10 years at the rate of Rs.2400/- and after 10 years and till 20 years of service at Rs.4200/- and after 20 years and till 30 years of service at the rate of Rs.4600/- and as to why the direction shall not be given to fix the pension of the petitioner in the scale of pay along with grade pay for the post of Ophthalmic Assistant and the arrears shall not be directed to be calculated and be disbursed in favour of the Petitioner forthwith considering the aforesaid facts and circumstances.

And if the Opp.Parties do not show cause or show

insufficient cause the *Rue nisi* may be made absolute.

And or pass any other writ/writs, order/orders, direction/directions which deem fit and proper for the interest of justice.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner was duly appointed by the C.D.M.O., Keonjhar on 23.10.1979. Finally he has retired from service as Pharmacist on 31.08.2017 on attaching the age of superannuation. It is submitted by the learned counsel for the Petitioner that the Petitioner is entitled to get Grade Pay attached to the post of Ophthalmic Assistant. As per the ORSP Rule he is entitled to RACP benefit. He also contends that although the Petitioner is eligible to get the RACP benefit, he has not been extended such benefit. Accordingly the present writ application has been filed.

5. Learned Additional Standing Counsel on the other hand submits that the Petitioner has not approached the Departmental Authority. Therefore, he may be directed to approach the departmental authority by filing a comprehensive representation and the authorities be directed to take a decision on the representation of the Petitioner within a stipulated period of time.

6. Considering the submissions of the respective parties, this writ application is disposed of directing the Petitioner to file a fresh representation within a period of two weeks taking all the grounds available to him in support of his claim. In the event such a representation is filed before the Opposite Party No.1, the Opposite Party No.1 is directed to consider the representation of the Petitioner in accordance with law and shall dispose of the representation of the Petitioner by passing a speaking and reasoned order. The decision so taken shall be communicated to the Petitioner with two weeks thereafter.

7. With the aforesaid observation, the writ application stands disposed of.
8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

