

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31396 of 2021

Durga Charan Bhoi

....

Petitioner

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.11.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
 3. The Petitioner has filed this writ petition with the following prayer :

“That the petitioner therefore prays that, this Hon’ble Court may graciously be pleased to grant following relief(s):-

 - (i) The Hon’ble Court be pleased to admit & allow the Writ Petition.
 - (ii) The Hon’ble Court be pleased to quash the impugned orders under Annexure-8, dtd.02.07.2021 and Annexure-9, dtd.22.07.2021 with further holding that the petitioner is entitled to get the G.P. of 5400/- with corresponding scale of pay in lieu of 3rd RACP with all consequential benefits.
 - (iii) The Hon’ble Court be pleased to declare/held that the petitioner has rightly got the G.P. of Rs.5400/- in lieu of 3rd RACP benefit as per Annexure-6 of

the writ petition

- (iv) The Hon'ble Court be pleased to pass any other order(s)/direction(s)/writ(s) as deems fit & proper for the bonafide interest of justice.”

4. It is submitted by learned counsel for the petitioner that being aggrieved by the illegal action of the opposite parties in withdrawing RACP in favour of the petitioner, he has approached this Court. It is further contended by learned counsel for the petitioner that this case is squarely covered by the order passed by this Court in the case of ***Manamohan Sahoo vrs. State of Odisha and others*** (W.P.(C) No.16641 of 2022) as the issue involved in this case is identical to the issue decided in the above noted case.

5. Considering the submissions made and the nature of grievance involved in the present writ petition, and since it appears that the Annexures-8 and 9 are contrary to each other, this Court hereby remands back the matter to the Director, Agriculture and food Production, Odisha, Bhubaneswar (opposite party no.3) for fresh consideration the impugned order so far as it relates to the present petitioner under Annexures-8 and 9 are hereby set aside. The Director, Agriculture and food Production, Odisha, Bhubaneswar(opposite party no.3) is directed to consider the matter afresh in the light of the judgment rendered by this Court in the case of ***Manamohan Sahoo***(supra) in accordance with law within a period of eight weeks from the date of production of certified copy of this order. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

6. With the aforesaid observation the writ application stands disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

