

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26373 of 2022

Bharat Kumar Beheradalai

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
17.10.2022

Order No

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State-Opposite Parties.
3. The Petitioner has filed the present writ petition with the following prayer:-

"To direct the State/O.Ps for sanction and disbursement of grade pay in 3rd RACP of the promotional post of Dist. Panchayat Officer @ Rs.4800/- from 12.4.2013 to 18.6.2014 and Grade Pay @ Rs.5400/- from 19.6.2014 onwards to the petitioner in view of Panchayati Raj Deptt. Notification dt. 19.6.2014 under Annexure-3 where grade pay of Dist. Panchayat Officer has been upgraded from Rs.4800/- to Rs.5400/- w.e.f. 19.6.2014 and as per the settled principle of law in Bihari Lal case and further direct the State/O.Ps to modify the wrong pay fixation order under Annexure-8 and fix up pay of the petitioner correctly on the basis of grade pay Rs.5400/-in 3rd RACP from 19.6.2014 under ORSP Rules, 2017 w.e.f. 1.1.2016 in appropriate Level & Cell of the pay matrix

and accordingly revise the pension with all consequential financial benefits.”

4. However, taking into account the claim raised in the present writ petition, liberty is granted to the Petitioner to make a fresh representation before Opposite Party No.1 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, Opposite Party No.1 shall do well to consider the case of the Petitioner within a period of three months from the date of receipt of a certified copy of this order. The case of the Petitioner shall be considered by the Opposite Party No.1 in the light of the judgment passed by this Court in the case of ***State of Odisha and another v. Bihari Lal and others*** (W.P.(C) No.2831 of 2016). The decision so taken shall be communicated to the Petitioner within a period of two weeks from the date of such decision.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge