

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26374 of 2022

Rajendra Kumar Panigrahi

....

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 2nd RACP at the enhanced rate of Rs.4800/- instead of Rs.4600/- from 8.8.2013 till the date of retirement i.e. 30.4.2021 in view of Finance Deptt. Resolution No.26274 dt. 8.8.2013 under Annexure-3 where the grade pay of Rs.4600/- in 2nd RACP has been enhanced to Rs.4800/- w.e.f. 8.8.2013 and also as per settled principle of law in Bihari Lal case and further direct the State/O.P. No.5 to comply with the objection raised in the letter dt. 28.6.2022 of A.G. (A&E) Odisha under Annexure-8 and resubmit the pension papers of the petitioner to A.G. (A&E) Odisha along with the implementation order of Administrative Deptt. in respect of allowing higher grade pay i.e. enhanced grade pay in 2nd RACP in

terms of Finance Dept. letter No.19420 dt. 1.7.2020 for sanction of final pension in favour of the petitioner.”

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