

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.656 of 2018

Nandan Mohanty

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
15.09.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. N. Prusty, learned Standing Counsel appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

"In view of the facts stated in para-6 above, the applicant prays for the following relief(s):

(a) The Original Application be allowed:

(b) The Respondents be directed to sanction/grant benefits of 2nd RACP in favour of the applicant w.e.f. 01.01.2013 fixing his GP of Rs.4800/- taking into account entire service period as per Finance Department Resolution dated 17.01.2015 under Annexure-5.

(c) The Respondents be directed to release the arrears after re fixation of pay of applicant w.e.f. 01.01.2013 within a date to be fixed by this Hon'ble Tribunal;

(d) Such other order/orders be passed granting complete relief to the applicant."

4. It is submitted that even though the Petitioner is eligible to get the benefit of 2nd RACP from 01.01.2013, but the Authority did not extend the said benefit due to which the present writ Petition was filed.

5. Mr. Mohanty further submitted that similar issue has already been decided by the learned Tribunal in its order dtd.04.12.2017 passed in O.A. No.1136(C) of 2016 and batch, wherein learned Tribunal has held as follows:-

“6. The conjoint reading of Judgment dtd.19.06.17 of O.A.No.4107(C) of 2015 and O.A.4108(C) of 2015 and judgment did. 19.06.17 of O.A.No.460(C) of 2016, it is clear that a teacher who was getting grade pay of Rs.4200/- as per CORSP Rules, 2008, will be entitled to the Grade Pay of Rs.4600/- as 1" RACP, Rs.4800/- Grade Pay as 2 RACP and Rs.5400/- Grade pay as 3" RACP if he is entitled to get.

Hence, as the applicants have completed 20 years of service as on 01.01.13 and have only got one promotion from LSES cadre to Junior SES cadre, they are entitled for 2 RACP with effect from 01.01.13, at the rate of Grade Pay of Rs. 4800.

7. Hence, the O.As. are allowed. The respondents are directed to grant 2 RACP with Grade Pay of Rs.4800/ with effect from 01.01.13 to the applicants. if they are found suitable by the Screening Committee.

This exercise be completed within 3 months from the date of receipt of the copy of this order.”

6. It is submitted that challenging the order passed by the learned Tribunal State approached this Court in W.P.(C) No.23626 of 2019, and the said writ Petition was also dismissed vide order dtd.05.08.2022.

7. In view of the same this Court while disposing the writ Petition, directs the O.P. No. 3 to extend the benefit in terms of the order passed by the learned Tribunal and confirmed by this Court. The entire exercise be completed by the O.P. No. 3 within a period of 3 (three) months from the date of receipt of this order.

8. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha