

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26825 of 2022

Muralidhar Swain

....

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 @ 4800/- in 3rd RACP from 5.6.2014 to 18.6.2014 and Grade pay @ Rs.5400/- from 19.6.2014 upto 31.12.2015 in view of Panchayati Raj Deptt. Notification No.9652 dt. 19.6.2014 under Annexure-3 where grade pay of Dist. Panchayat Officer has been upgraded/enhanced 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 accordingly the earlier order of Dist. Office, Keonjhar recorded in Service Book under Annexure-5 showing grant of 3rd RACP with G.P. Rs.4800/- to the petitioner vide Dist. Office, Keonjhar order No.2893 dt. 26.12.2017 be modified and the pay of the petitioner shall be fixed in the new ORSP Rules, 2017 on the basis of grade pay

Rs.5400/- in appropriate Cell & Level of the pay matrix.”

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