

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1996 of 2015

Babulal Patra

....

Petitioner

Mr.Digambar Mishra, Advocate

-versus-

State of Odisha and others

....

Opp.Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.02.2022

Order No.

07.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned counsel appearing for the State.
3. The present application has been filed by the Petitioner with a prayer to quash the impugned order of rejection of his representation under Annexure-5 and for consequential direction to the Opposite Parties to grant first RACP on completion of 10 years of service on the date of initial joining.
4. Learned counsel for the Petitioner submits that the Petitioner is entitled to get the RACP upon completion of 10 years of service. Further, similar benefit has been extended to the similarly situated employees, however the petitioner was illegally denied the benefit of RACP claim although he is eligible to get the benefit under the said scheme. Learned counsel for the Petitioner relies upon a Division

Bench judgment of this Court in the matter of State of Odisha and others-vrs.Bikash Ranjan Dash and another (W.P.(C) No.18749 of 2018) and batch of other matter which was decided by a judgment of this Court dated 29.10.2021. The issue involved in the present case has already been answered in a Division Bench judgment of this Court in the aforesaid case. In such view of the matter learned counsel for the Petitioner prays for a direction to the Opposite Parties to reconsider his case in the light of the judgment delivered by the Division Bench of this Court.

5. Learned counsel for the State on the other hand submits that the case of the Petitioner is covered under the judgment passed by the Division Bench of this Court and further submits that in the event the Petitioner approaches the competent authority, his case may be reviewed in the light of the judgment delivered in the case of Bikash Ranjan Das (supra).

6. Having heard learned counsel for the parties and keeping in view the ratio laid down in the judgment of this Court in the case of Biksh Ranjan Dash and another (supra) this Court deems it proper to set aside the order dated 17.04.2015 under Annexure-5 and further directs the Petitioner to file a fresh representation along with a copy of the judgment of this Court in Bikash Ranjan Dash (supra) before the Opposite Party No.1, within a period of two weeks from today along with certified copy of this order. In the event such a representation is filed, the same shall be considered strictly in terms of the judgment delivered by a Division Bench of this Court in Bikash Ranjan Dash and another (supra) and the eligibility of the Petitioner shall be determined on the basis of the ratio decided in the said case within a period of two months from the date of filing of the representation. The decision so taken by the Opposite Party No.1 shall be communicated to the Petitioner within a period of 10 days thereafter.

7. With the aforesaid observation, the writ application stands

disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge

