

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.928 of 2016

Ratnakar Pradhan

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.08.2022

Order No

3.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioner and Mr. N. Prusty, learned A.G.A.

3. The present Writ Petition has been filed with the following prayer.

“ to direct the respondents to fix the pay of the applicant in the 1st, 2nd and 3rd RACP w.e.f 7.9.1988, 7.9.1998 and 7.9.2008 in the Grade Pay of Rs.4,600/-, Rs.4,800/- and Rs.5,400/- respectively.

And further the Hon’ble Tribunal be pleased to direct the respondents to calculate the differential arrears of the applicant in the aforesaid manner and pay him the actual financial benefit w.e.f 1.1.2013 with all its arrears within a stipulated period as deem fit and proper.”

4. It is submitted that in spite of his entitlement when the petitioner was not extended with the benefit of 3rd RACP, he has filed the present Writ Petition.

5. On the other hand, Mr. Prusty, learned counsel for the State submitted that the petitioner prior to approaching

this Court, has not made any application before the authority seeking extension of such benefit.

6. In view of such submission made by the learned counsel for the parties, this Court while disposing of the Writ Petition permits the petitioner to make a detailed application before Opp. party No.3 within a period of two weeks from today. It is observed that if any such application is made by the petitioner within the aforesaid time period, the said authority shall take a lawful decision on the same and while taking such a decision, the authority shall follow the order passed by the learned Tribunal under Annexure-6 and its compliance under Annexure-6 as well as the clarification issued by the Department on 21.2.2018 under Annexure-8. The entire exercise shall be completed within a period of four months from the date of receipt of this order. If it is ultimately found that the petitioner is entitled to get the benefit as claimed for, necessary steps be taken to extend the said benefit within a further period of three months.

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

(Biraja Prasanna Satapathy)
Judge

Sangita