

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27723 of 2022

Laxmikanta Pattnaik

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

15.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard the learned counsel for the Petitioner and the learned Additional Government Advocate appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:
 - i. To direct the Opposite Parties to sanction 1st & 2nd RACP in favour fo the Petitioner.
 - ii. To direct the Opp. Parties to sanction 3rd MACP in favour of the Petitioner.
 - iii. To direct the Opp. Parties to release the increment of the Petitioner from 2015 onwards.
 - iv. And pass such other order/orders as may be deemed fit and proper for the interest of justice.”
4. It is submitted by learned counsel for the Petitioner that though the Petitioner has served for more than 30 years, he has not

been extended the benefit of financial upgradation under the RACP although he is entitled to 1st, 2nd and 3rd RACP on completion of 10, 20 and 30 years of service. Therefore, he has approached this Court for a direction to the Opposite Parties to consider the case of the Petitioner for grant of financial upgradation as has been provided under the Resolution dated 6.2.2013 of the Finance Department, Government of Odisha and extend the benefit to the Petitioner within a stipulated period of time.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submits that the Petitioner has not approached the departmental authority. Therefore, let the Petitioner approach the departmental authority by filing a detailed representation and the departmental authority be directed to consider the case of the Petitioner in the light of the Resolution dated 6.2.2013 of the Finance Department, Government of Odisha and the law laid down by this Court in the case of *State of Odisha v. Bihari Lal Barik* (W.P.(C) No.2831 of 2016 decided on 27.06.2016) within a stipulated period of time.

6. Having heard the learned counsel for the parties and considering the rival contentions of the learned counsel for the parties and also taking into consideration the limited nature of grievance, this Court disposes of the writ petition at the stage of admission by directing the Petitioner to file a fresh representation before the Opposite Party No.2 taking all the grounds along with the copy of the judgment in the case of *Bihari Lal* (supra) within period of two weeks from today and in the event of such representation is filed, the Opposite Party No.2 shall do well to dispose of the same in accordance with law by passing a speaking and reasoned order

within a period of six weeks thereafter. Further, it is directed that in the event it is found that the Petitioner is eligible in view of the aforesaid Resolution of the Finance Department, Government of Odisha to get the financial upgradation, then the same shall be released in his favour within a period of four weeks thereafter.

7. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

