

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.1728 of 2015

Brundaban Nayak

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
15.07.2022**

Order No

02.

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

2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.

3. The Petitioner has filed the present Writ Petition for the following reliefs:

“(i) Necessary order/orders be passed so as to declare the prospective effect date i.e.1.1.2013 depriving of the applicant (retired in between 1.9.2008 to 31.12.2012) to have the financial retiral benefits prospectively w.e.f.1.1.2013 under RACP scheme is unreasonable and arbitrary.

(ii) Necessary direction/directions be issued so as to grant financial up-gradation i.e. 3% of the basic pay + grade pay of the promotional post (out of the promotional hierarchy) under the RACP Scheme notionally from the date of completion of 10, 20 and 30 years of service in one post and Grade with actual release of financial retiral benefits under RACP Scheme w.e.f.1.1.2013 within a stipulated time.

(iii) Or any alternative any other order/orders/direction/directions be passed as this Hon’ble Tribunal deemed fit and proper so as to grant complete relief to the applicant.”

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 Opp. 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, Opp. Party No.1 shall do well to take a lawful decision on the same within a period of three months from the date of receipt of such representation. The order so passed by the Opp. Party No.1 be communicated to the petitioner.

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

(Biraja Prasanna Satapathy)
Judge

Sneha

