

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OA) No.1643 OF 2015

Satbir Singh Riar

....

Petitioner(s)
Mr.K.C.Sahu,
Advocate

-versus-

State of Odisha and others

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
03.08.2022

Order No.

01.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following reliefs:-

“In view of the facts & submissions mentioned in Para-(6) above the applicant pray for the following relief (s):-

- (i) The Hon’ble Tribunal be pleased to admit & allow the original application,
- (ii) The Hon’ble Tribunal be pleased to quash the impugned order dtd.29.5.2015 under Annexure-5 & letter dtd.3.6.2015 under Annexure-6 by holding that the same is illegal, wrong & not applicable to the applicant so also in violation of Govt. Circular at Annexure-2,3 & 7.
- (iii) The Hon’ble Tribunal be pleased to further direct the respondents that the applicant is entitled/ eligible for allowing the RACP benefit in his favour by fixing his pay in the time scale i.e. Rs.9300-34800/- + GP of Rs.4200/- with all consequential service & financial benefits by holding the granting of the RACP benefit in his favour as per order dtd.09.01.2014 under Annexure-4 is a justified & corrected one for the interest of justice.
- (iv) The Hon’ble Tribunal may be pleased to pass any order(s)/ direction(s) as deems fit and proper for the interest of justice.”

3. There is no dispute at the Bar that in the meantime the batch of cases on self-same issue have come to be disposed of by the direction of the Tribunal itself, in disposal of O.A. No.1452 (C) of 2017 along with several other matters. Not only that based on such decision, there has been also implementation of direction therein by the competent authority involving petitioner in the case of O.A. No.1452 (C) of 2017.

3. For the position of law settled through disposal of O.A. No.1452 (C) of 2017, this Court while interfering in the impugned order at Annexures-5 & 6 allows the application directing the competent authority as follows:-

(i) The RACP benefit as per FD Resolution dated 6.2.2013 in favour of Pharmacists, whose RACP benefits accrued prior to coming into force Odisha Pharmacist Rules, 2015 w.e.f. 30.6.2015, shall be computed treating the Technical Store Keeper as the next promotional post of Pharmacists for granting 1st RACP benefit and on that basis they shall be granted the next available grade pay of 1st Schedule of ORDP Rules, 2008 towards 2nd and 3rd RACP benefits.

(ii) The RACP benefit as per FD Resolution dated 6.2.2013 in favour of Pharmacists, whose RACP benefits accrued on or after 30.6.2015 shall be strictly computed as per the grade pay available of the next promotional posts defined in Odisha Pharmacist Rules, 2015.

(iii) The State respondents are at liberty to revise the pay of the Pharmacists whose cases are covered under the Odisha Pharmacist Rules, 2015 on the basis of the aforesaid principle and may issue appropriate orders to that effect. However, there shall be no recovery in case any excess amount is found, keeping in view the status of Pharmacists to be Group-C officers and the principle decided by the Hon'ble Apex Court in the case of State of Punjab and others vs. Rafiq Masih (White Washer) reported in (2015) 2 SCC (L&S) 33.

(iv) The impugned order issued by the Government dated 16.5.2017 under Annexure-2 be modified accordingly.

With the above observation/direction, all the O.As. are disposed of.

Further course of action in implementation of this Court directions be concluded within a period of two months from the date of communication of this order by the Petitioner.

(Biswanath Rath)
Judge

Swarna

