

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**WPC(OA) No.1655 OF 2015**

***Chinmaya Kumar Sinha***

....

***Petitioner(s)***  
**Mr.T.B.Jena,Adv.**

-versus-

***State of Odisha and Others***

....

***Opposite Party(s)***  
**Mr.S.Mishra,ASC**

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**15.11.2022**

**Order No.**

03.

1. Heard learned counsel for the parties.
2. This Writ Petition involves the following prayer:-

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

*i) The Hon’ble Tribunal may be pleased to admit this Original Application.*

*ii) The Hon’ble Tribunal may be pleased to quash the order dated 29.05.2015 as at Annexure-8 issued by the AG(0), order dated 03.06.2015 as at Annexure-9 issued by the H & F.W. department and letter dtd.22.6.15 of CDMO, Mayurbhanj as at Annexure-10.*

*iii) The Hon’ble Tribunal may be pleased to further direct the Respondents to allow the applicant to pay scale and GP under RACPs after completion of 10 years of service as on 01.01.2013 as already has been granted on 6.5.2014 by the respondent No.4 as per promotional avenue existing for the post of pharmacist prior to 24.08.2013 i.e. the date of Restructured cadre set up for pharmacist has come in to effect.*

*iv) Any other relief(s) as the Hon’ble Tribunal deems fit and proper in the interest of justice.”*

3. In course of hearing on 10.11.2022, learned counsel for the Petitioner pressing a copy of the order dated 24.08.2022 in WPC(OAC) No.1594 of 2017 sought for coverage of this matter by the said order and accordingly the matter was adjourned to examine as to whether the order extended by the Petitioner covers the case of the Petitioner involved herein. Today in course of hearing there is no dispute at the Bar that the principle decided in WPC(OAC) No.1594 of 2017 is also applicable to the case at hand. In the process, this Court in disposal of the Writ Petition directs the competent authority to govern the case of the Petitioner in terms of the order in disposal of the case of O.A. No.1452(C) of 2017 and provide the appropriate benefit in favour of the Petitioner by completing the entire exercise within a period of one and half months from the date of communication of this order by the Petitioner. For this Court finds, the case of the Petitioner is covered by the settled position of law through disposal of O.A. No.1452(C) of 2017, this Court interfering in the impugned orders at Annexures- 8, 9 & 10 and sets aside the same.

**(Biswanath Rath)**  
**Judge**

**Swarna**