

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.2419 of 2015

Pravat Kumar Sahoo

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.07.2022

Order No

2.

1.

This matter is taken up through Hybrid Mode.

2.

Heard learned counsel for Petitioner and learned counsel for the State.

3.

The present Writ Petition has been filed with the following prayer:-

“(i) The impugned orders at Annexure-5, 6 & 9 be quashed.

(ii) The applicant be allowed to continue to avail the benefit of RACP as per order at Annexure-4.

(iii) Any other relief(s) as deem fit & proper”.

4.

It is submitted that while in receipt of Grade Pay of Rs.4200/-, the impugned orders at Annexure-5, 6 & 9 were issued with a direction to reduce of Rs.4200/- to Rs.2800/-.

5.

It is further submitted by the learned counsel for the Petitioner that while issuing notice of the matter on 30.09.2015, the operation of the said orders were stayed and no recovery has been effected during pendency of the writ petition.

6. It is further submitted that similar issue has been dealt with by the learned Tribunal in a batch of cases and learned Tribunal vide order dated 28.03.2019 held that the Petitioner and similarly situated persons are entitled to get Grade Pay of Rs.4200/- but no recovery can be effected from them. Even though notice was issued on 30.09.2015 but no counter has been filed by the State-Opposite Parties.

7. Considering the fact that similar issue has already been decided by the learned Tribunal vide its order dated 28.03.2019, the present Writ Petition is disposed of with an observation that if the Petitioner approaches the Opposite Party No.1 for withdrawal of the order impugned in the present writ petition within a period of three (3) weeks from today, the said authority shall take a lawful decision on the same within a further period of three months.

8. It is observed that while taking such a decision, the Opposite Party No.1 shall take into consideration the order passed by the learned Tribunal in its order dated 28.03.2019. Since no recovery has been effected in the meantime, the said interim order shall continue till a fresh decision is taken by the Opposite Party No.1 as directed hereinabove.

9. With the aforesaid observations and directions, the WPC(OAC) stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat