

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C(OAC) No.455 of 2016

Niranjan Patra

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.7.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Swain, learned counsel for the Petitioner and Mr. Biplab Mohanty, learned Standing Counsel.

3. The petitioner has filed the present writ petition with the following prayer.

“(i) to declare the reasons for non-sanction of RACP benefit in the grade pay of Rs.4600/- contained in para-“Kha” of the report at Annexure-7 is contrary to law.

(ii) to direct the respondents to allow grade pay of Rs.4600/- under RACPS w.e.f 1.1.2013 with all consequential arrear financial benefits within a stipulated time.

(iii) to refix the pension accordingly and pay the arrears.

4. It is submitted that the benefit of RACP was extended in favour of the petitioner on the ground that the petitioner earlier availed the benefit of TBA. But it is submitted that BEO, Raghunathpur vide his letter under Annexure-A/4 to the counter has fairly indicated that the petitioner has not availed the benefit of TBA and accordingly, he is entitled to get the benefit of RACP.

5. In view of that, this Court directs Opp. party No.3 to take a decision on the petitioner's claim, if it has not yet been considered, taking into account the communication issued by the BEO, Raghunathpur on 19.5.2016 under Annexure-A/4. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

6. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

