IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33534 of 2021

Radhashyam Mishra .... ***Petitioner***

Mr. Nira Sundar Panda, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***

Mr. P.C. Das, ASC for State

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
04.07.2022

Order No.

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

2. Heard learned counsel for the Petitioner as well as learned counsel for the State.

3. The present writ petition has been filed by the Petitioner to quash the order dated 8.10.2021 under Annexure-10 and for a direction to the Opposite Party to modify the impugned order at Annexure-5 by granting the Grade Pay of Rs.5,400/- instead of Rs.4,600/- on completion of 20 years of continuous service and Grade Pay of Rs.6,600/- instead of Rs.5,400/- on completion of 30 years of continuous service with all consequential service and financial benefits.

4. Earlier the Petitioner had approached this Court by filing a writ petition bearing W.P.(C) No.23843 of 2021 with an identical prayer. A coordinate Bench of this Court after hearing the learned counsels for the parties vide order dated 13.8.2021 disposed of the writ

petition with a direction to O.P. No.1 to consider the grievance of the Petitioner and the Petitioner was directed to file a representation before the O.P. No.1 within 15 days. Further the O.P. No.1 was directed to consider and dispose of the same within two months.

5. Accordingly, the Petitioner approached the O.P. No.1 by filing a representation on 19.08.2021. The O.P. No.1 by a speaking order dtd.08.10.2021 disposed of the representation and rejected the claim of the Petitioner. As against the said rejection order dated 8.10.2021, the present writ petition has been filed.

6. Heard learned counsel for both sides and perused the impugned order. Upon a careful scrutiny of the order passed by the Commissioner-cum-Secretary to the Govt. of Odisha, FARD Department, it appears that the said opp. Party while considering the representation of the Petitioner has not taken into consideration the law laid down by a Division Bench of this Court in the matter ***State of Odisha and others vs. Bikash Ranjan Dash & others*** and a batch of similar other cases (W.P.(C) No.18749 of 2018, decided on 29.10.2021). In such view of the matter, this Court is of the considered view that the O.P. No.1 has not adopted the correct approach and as such the entire matter is required to be re-examined by the O.P. No.1 in the light of the law laid down by this Court in ***Bikash Ranjan Dash's case*** *(supra)*.

7. Considering the submissions made and keeping in view facts and circumstances of the present case, this Court feels it appropriate to set aside the order dated 8.10.2021 under Annexure-10 and remits the matter back to the Authority for reconsideration. This Court further directs the Principal Secretary, Department of Fisheries and

ARD, Bhubaneswar, Opposite Party No.1 to look into the grievance of the Petitioner in the writ petition and dispose of the same afresh in accordance with law, taking into account the judgment of the Division Bench of this Court in the Case of ***State of Odisha and others vs. Bikash Ranjan Dash and another, passed in W.P.(C) No.18749 of 2018,*** decided on ***29.10.2021.*** Let the Petitioner approach the O.P. No.1 with a certified copy of this order as well as a copy of the judgment in the above noted case. The entire exercise shall be completed within a period of two months from the date of production of certified copy of this order by passing a speaking and reasoned order and after giving opportunity of hearing to the parties concerned. Decision so taken be communicated to the Petitioner within a period of two weeks thereafter.

8. With the aforesaid direction, the writ petition stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

u.k.sahoo