

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3202 of 2016

Kamalakanta Mishra

.....

Petitioner

Mr. A. Patnaik, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

11.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A. Patnaik, learned Counsel appearing for the Petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.

3. The Petitioner has filed this Writ Petition seeking to quash the order dated 01.09.2016 passed by the Government of Odisha in Health & Family Welfare Department, by which Opposite Party No.1 directed Opposite Party No.2 to take necessary action to revise the entitlements of MPHWS (M) & (F) from 01.01.2003 to 30.06.2015 effecting recovery of the excess amount drawn by extending promotional Pay and Grade Pay under RACPs under intimation to the Department.

4. Learned Counsel for the Petitioner contended that the claim of the Petitioner is covered by the judgment of the apex Court in the case of *State of Punjab and others v Rafiq Masih (White Washer)*, AIR 2015 SC 696 and as such, the Opposite Parties may be directed to consider the claim of the Petitioner in terms of the ratio decided

in the case of *State of Punjab and others v Rafiq Masih (White Washer)*, AIR 2015 SC 696.

5. In view of the above, the Writ Petition stands disposed of directing the Opposite Parties to consider the case of the Petitioner in terms of the ratio decided in the case of *State of Punjab and others v Rafiq Masih (White Washer)*, AIR 2015 SC 696 and take a decision within a period of three months from the date of communication of the order.

Arun

(DR. B.R. SARANGI)
JUDGE

