

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.649 of 2015

An application under Section 19 of the State Administrative Tribunal's Act, 1985.

.....

Minati Sahoo

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

For Petitioner : M/s. Mr. Subrat Mishra &
R.K.Pradhan.

For Opp. Parties : M/s. N.N.Satapathy, Standing
Counsel for School & Mass
Education Department

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

संविधिक न्यायो

Date of Hearing:02.05.2022 and Date of Order:09.05.2022

Biraja Prasanna Satapathy, J.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S. Mishra, learned counsel for the Petitioner and Mr. Satapathy, learned counsel for the State- Opposite Parties.
3. The Petitioner filed the present Writ Petition with the following prayer:-

“(i) To direct the Respondents to grant T.B.A. from 20.12.2002 and also to grant ACP from 20.12.2002 to the applicant.

(ii) To direct the Respondents to correct the G.P. appeared at Column-3 of the Pay fixation statement under Annexure-4 by replacing P-2800 to Rs.4200/-.

(iii) To direct the Respondents to grant Grade Pay of Rs.4,600/- from 20.12.1997 and to grant G.P of Rs.4,800/- from 20.12.2007 to the applicant on completion of 10 years and 20 years of service from the entry grade under the RACPS Scheme of 2013. That the arrear of ACP and RACP may be calculated and disbursed in favour of the applicant.

(iv) Any other order / orders, relief / reliefs be passed as the Hon’ble Tribunal may deem fit and proper”.

4. It is submitted that the Petitioner in spite of her eligibility to get the benefit, when was not extended with the same, she approached this Court in the present Writ Petition.

5. Mr. Satapathy, learned counsel for the State-Opposite Parties made his submission basing on the counter filed by the District Education Officer, Cuttack-Opposite Party No.3. It is contended by him that the Petitioner is not eligible to get the benefit of 2nd ACP from 20.12.2012 on completion of 25 years of service, however the Petitioner is eligible for second RACP on completion of 20 years as on 01.01.2013.

6. It is also submitted that the Petitioner being a Hindi Teacher her claim to get the benefit of RACP is covered by

the clarification issued vide G.O. No.8857 dated 01.05.2014.

7. It is accordingly submitted that as per the aforesaid G.O, the Petitioner is not eligible to get the benefit as prayed for.

8. Mr. Mishra, learned counsel for the Petitioner on the other hand submitted that the claim as made in the Writ Petition is covered by two decisions of this Court rendered on 29.08.2000 in OJC No.12668 of 1999 and on dated 30.10.2002 in OJC No.17333/1998.

9. Heard learned counsel for the Parties.

10. From the pleadings made, it is found that the Petitioner prior to filing the present writ petition has never approached the Opposite Parties claiming extension of the benefit as prayed for in the Writ Petition.

11. Therefore, in view of the stand taken by the learned counsel appearing for both the Parties and the decisions relied on by Mr. Mishra, this Court permits the Petitioner to make a detailed representation before Opposite Party No.3 claiming extension of the benefits as made in the Writ Petition.

12. It is observed that if any such representation is made by the Petitioner before Opposite Party No.3 within a period of two weeks from today, the same shall be considered by the said Opposite Party in accordance with law and on its own merit. However, it is observed that while taking such a decision, the said Opposite Party No.3 shall follow the ratio decided by this Court in the aforesaid

two decisions so relied on by the learned counsel for the Petitioner.

13. It is also directed that the Opposite Party No.3 shall take such a decision within a period of three months from the date of receipt of this order with due communication to the Petitioner.

14. It is further observed that on such consideration by the Opposite Party No.3, if the Petitioner is found eligible to get any financial benefit, the same shall also be disbursed in her favour within a further period of three months.

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

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 9th of May, 2022/Subrat