

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.4583 of 2016

Pramila Mahanta & Ors. Petitioners

-versus-

State of Odisha & Ors. Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
13.09.2022

Order No

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

2. Heard Mr. Pattnaik on behalf of Mr. S. Rath, learned counsel for the Petitioners and Mr. M.K. Balabantaray, learned Standing Counsel appearing for the Opp. Parties.

3. The Petitioners have filed the present writ Petition with the following prayer:-

"In view of the facts mentioned above, the applicants pray for the following reliefs:

A) To quash the impugned government notification bearing no.22152/dated 9.8.2016 of the Finance Department, vide Annexure-5;

B) To quash the impugned government order bearing no.18448/dated 1.9.2016 of the Health and FM Department, under Annexure-6.

C) Direct the respondents not to recover amount in pursuance of aforesaid government orders;"

4. It is submitted that the challenge made in the present writ Petition is covered by a decision of the learned Tribunal passed on 12.05.2017 in O.A. No. 2343 of 2016 and batch. This Court after going through the said order finds that the order under challenge in the present writ Petition was also the subject matter in the said

Original Application and learned Tribunal while quashing the order dtd.09.08.2016, directed the Opp. Parties to extend the benefit of RACP in favour of the Petitioners therein.

5. In view of that the present writ Petition is disposed of in the light of the order passed by the learned Tribunal on 12.05.2017 in O.A. No. 2343 of 2016 and batch. The impugned order dtd.09.08.2016 and consequential order dtd.01.09.2016 are hereby quashed. The Opp. Parties are directed to proceed in terms of the order passed by the learned Tribunal in the aforesaid batch of the Original Applications and extend the benefit of RACP in favour of the Petitioners, if they are otherwise eligible.

6. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Subrat

