

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.4571 of 2015

Jagannath Satpathy

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
25.07.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S.B. Jena, learned counsel for the Petitioner and learned counsel for the State.
3. No instruction is furnished by the learned counsel for the State despite order dtd.09.01.2019, wherein it was observed that if he fails to submit on that date, this case will be disposed of accordingly to the orders filed by the Petitioner.
4. The Petitioner has been allowed 2nd RACP with effect from 01.01.2013 vide Annexure-4 dtd.25.12.2013, the said RACP has been revised and vide Annexure-10 dtd.02.11.2015 the said calculated amount has been directed to be recovered from the Petitioner. Hence the Petitioner has approached this Court with a prayer to quash Annexure-5, 6 & 10.

5. In view of the ratio decided in O.A. No. 520/2014 and batch, Judgment of the Hon'ble Court of Odisha in W.P.(C) No.2831/2016 in O.A. No. 65/2016 and batch, the Petitioner is entitled to get grade pay of Rs.4600/- toward 2nd RACP on completion of 20 years service from 01.01.2013.

6. Hence following the decision of the Tribunal in O.A. No.520/2014 and batch, Judgment of the Hon'ble High Court in W.P.(C) No.2831/2016, the order vide Annexure-5, 6 &10 reducing the grade pay of the Petitioner is illegal and liable to be quashed and accordingly quashed and the order granting grade pay of Rs. 4600/- vide Annexure-4 be extended to the Petitioner within a period of three months from the date of receipt of a copy of this order.

7. With the aforesaid observation and directions, the writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha