

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.332 of 2016

Bhramarbar Behera

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.07.2022

Order No

- 1.** **1.** This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for Petitioner, learned counsel for the State and Mr. S.K.Patra, learned counsel for the Accountant General of Orissa.
- 3.** The present Writ Petition has been filed with the following prayer:-

“(i) The Hon’ble Tribunal may be pleased to admit the original application.

(ii) The Hon’ble Tribunal may be pleased to quash Paragraph-4 of the impugned finance Deptt. Resolution at Annexure-4 so far giving effect to w.e.f. 01.01.2013.

(iii) The Hon’ble Tribunal may be pleased to pass order to make the RACP provision operative from 1.1.2006 and direct the respondent authorities to allow financial up-gradation under RACP scheme to the applicants w.e.f 1.1.2006 till their retirement and reviser their retirement benefits on the basis of the enhanced emoluments.

(iv) The Hon’ble Tribunal may be pleased to issue any other order, or direction deemed fit to justice in the matter”.

4. It is submitted that the claim involved in the present case is covered by the decision of the Hon'ble Apex Court passed in Civil Appeal Diary No.3744 of 2016 and similar order be passed in the present Writ Petition.

5. Considering such submission, the Petitioner is permitted to move a fresh application claiming extension of the benefit as prayed for in the present writ petition within a period of three weeks from today before Opposite Party No.1.

6. It is observed that if such an application is filed within the aforesaid period, the said Opposite Party No.1 while taking a decision on the claim of the Petitioner shall take into consideration the decision of the Hon'ble Apex Court as indicated hereinabove. The entire exercise shall be completed within a period of three months from the date of receipt of such representation. The order passed by the authority be also communicated within that time. It is observed that if ultimately it is found that the Petitioner is eligible to get the benefit, then the said Opposite Party shall also take step to extend the benefits as due and admissible within a further period of three months.

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

(Biraja Prasanna Satapathy)
Judge

sangita