

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OA) No.2972 of 2016

Patnru Sudarsan Patro

....

Petitioner

None

-versus-

***State of Odisha represented by
Principal Secretary, Department
of Water Resources, Bhubaneswar
and Others***

....

Opposite Parties

Mr. Prasanna Kumar Mohanty, ASC

CORAM:

JUSTICE M.S. RAMAN

ORDER

16.08.2022

Order No.

- 01.
1. This matter is taken up through virtual/physical mode.
 2. The Original Application No.2972 of 2016 was filed before the Orissa Administrative Tribunal, Bhubaneswar Bench, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No.2972 of 2016.
 3. The petitioner has claimed in the writ petition that even after completion of 30 years of service he is not granted with the benefit of 3rd up-gradation under Revised Assured Career Progression Scheme (RACPS) which is effective from dated 01.01.2013.
 4. None appears for the petitioner.
 5. It is not forthcoming from the record, the current position with regard to the Vigilance Case. Counter dated 01.08.2018 has come to be filed on behalf of the Opposite Parties, wherein the following has been stated:-

XXX

XXX

XXX

XXX

“The Applicant is eligible for 3rd Assured Career Progression (ACP) with effect from 11.11.2012 on completion of 30 years of qualifying services in the initial grade as per the provisions of Assured Career Progression (ACP) under ORSP Rules, 2008. Accordingly his case was referred to the Screening committee and the Committee has withheld the sanction of 3rd ACP due to subjudice of TR No.54/09 arising out of Berhampur P.S. Case No.29 dated 28.12.2005 in the Court of Special Judge, Vigilance, Berhampur as reported by the Superintendent of Police, Vigilance Cell, Cuttack vide Letter dated 03.06.2011. The copy of the said letter & report of Screening Committee is annexed as ANNEXURE-C, Government of Odisha introduces Revised Assured Career Progression Scheme (RACPS) vide Finance Department Resolution No.3560 dated 06.02.2013 for its employees those who are in a single cadre for years together without any promotion. The Scheme envisages financial up-gradation counted from the direct entry grade on completion of 10, 20 & 30 years of service in a single cadre in absence of promotion. The applicant is eligible for 3rd financial up-gradation under Rule-18 of Finance Department Resolution No.3560 dated 06.02.2013 since he has already been completed 30 years of qualifying services in the post of JE(Civil) much before 01.01.2013 i.e. the date of coming into effect of RACPS. The case of the applicant could not be considered by the Screening Committee held on 07.05.2016 for 3rd financial up-gradation since the vigilance case is pending against him.

That, in reply to the averments made in para 6.7 of the OA, it is humbly submitted that OA No.1533 of 2015 filed by the applicant is sub judice. After disposal of the case, necessary steps will be taken for sanction of RACPS.”

6. Considering the above conceded position by the State by way of counter, the Competent Authority shall take a decision keeping in view the facts as stated in the counter that the case of the petitioner would be considered for sanction of Revised Assured Career Progression Scheme (RACPS) after

finalization of Vigilance Case (T.R. No.54 of 2009) arising out of Berhampur P.S. Case No.29 dated 28.12.2005.

7. With the aforesaid observations, the writ petition is disposed of.

(M.S. Raman)
Judge

Basudev

