IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No.1464 of 2017

Harihar Maharana .... **Petitioner**

-versus-

State of Odisha & Others .... **Opp. Parties**

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No **07.09.2022**

1. **1.** This matter is taken up through Hybrid Mode.

2. Heard Mr. P.K. Mohapatra, learned counsel on behalf of Mr. B.S. Mishra, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel.

3. The present writ petition has been filed challenging the communication dated 22.7.2012 issued by Opp. party No.3 under Annexure-5 wherein the claim of the petitioner for grant of the benefit of ACP has been rejected. It is submitted that the said opp. party while issuing the impugned communication has not taken into consideration the initial date of joining of the petitioner in service. It is also submitted that the said communication has been issued in violation of the provision contained under Rule 14 of the Orissa Revised Scale of Pay Rules, 2008.

4. Mr. Mohapatra, learned counsel for the petitioner submitted that in order to get the benefit of ACP, the period of 15 years, 25 years and 30 years to be reckoned from the date of initial appointment and not from the date of promotion which has been taken note of in the impugned communication.

5. In that view of the matter, this Court while quashing Annexure-5 directs opp. party No.3 to take a fresh decision on the claim of the petitioner within a period of two months from the date of receipt of this order.

6. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

HIGH COURT
सत्यमेव जयते
ORISSA