

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35097 of 2021

Prasant Kumar Patra

....

Petitioner

Mr. Laxmikanta Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.11.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner with the following prayer:-

“ It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the Opposite Parties calling upon them to file show cause as to why the order dated 3.11.2020 issued by the Opposite Party No.1 under Annexure-8 and the order dated 22.06.2021 issued by the Opposite Party No.1 as communicated by Opposite Party No.3 under Annexure-11 shall not be quashed and after hearing the parties be pleased to quash the order dated 3.11.2020 under Annexure-8 as well as order dated 22.06.2021

under Annexure-11. A further direction be issued to Opposite Parties to extend/grant grade pay of Rs.4600/- as 2nd RACP benefit in favour of the petitioner with effect from 1.1.2013 and according to revise his pay as per ORSP Rules, 2017 with effect from 1.1.2016 and release the arrears.

As the petitioner has superannuated from service with effect from 31.7.2021 his pension may be fixed accordingly and release the arrears in favour of the petitioner; within a date to be fixed by this Hon'ble Court.

And pass any other order/orders, direction/directions as this Hon'ble Court may deem fit and proper;"

4. It is submitted by the learned counsel for the Petitioners that the Petitioners have been denied pensionary benefit which they are entitled to. Further, it is submitted by the learned counsel for the Petitioner that the order dated 03.11.2020 under Annexure-8 impugned in this case has been quashed by this Court in W.P.(C) No.32191 of 2020 (*Sanju Dei and others v. State of Odisha and others*). In such view of the matter, learned counsel for the Petitioners submits that the case of the Petitioners shall be considered in the light of the judgment delivered by this Court in *Sanju Dei and others v. State of Odisha and others*, in W.P.(C) No.32191 of 2020 disposed of on 17.03.2022

5. Learned Additional Government Advocate on the other hand submits that since this Court has already quashed the order dated 03.11.2020 under Annexure-8 in *Sanju Dei and others* (supra), let the authority be directed to reconsider the matter afresh taking into

consideration the order passed by this Court in *Sanju Dei and others* (supra).

6. Having heard learned counsel for the parties and considering the limited nature of grievance, this Court deems it proper to set aside the impugned order dated 03.11.2020 under Annexure-8. Further the matter is remanded to the authority. In the event the Petitioner's case is covered by the judgment delivered by this Court in *Sanju Dei and others* (supra) in such eventuality the Opposite Parties shall do well to sanction and disburse the pensionary benefit payable to the Petitioner within a period of two months from the date of production of certified copy of this order.

7. With the aforesaid observation, the writ application stands disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge