

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.2463 of 2012

Ananda Chandra Patro

.... Petitioner

Mr. S.B. Jena, Advocate

-versus-

State of Odisha and another

.... Opposite Parties

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The present writ petition has been filed praying for quashing of Memo No.23104 dated 15.05.2012 (Annexure-8) and for a direction to Opposite Party No.2 to grant annual increments to the Petitioner w.e.f. 14.6.2006, i.e. the date when the Petitioner has completed his Sub-Inspector of Police Training and further be pleased to direct the Opposite Parties to disburse the arrears thereof.
4. Learned counsel for the Petitioner submits that the Petitioner has successfully completed his Supplementary Examination at BPSPA, Bhubaneswar and his name finds place at Serial No.3 of the list, which is annexed as Annexure-1 to the writ petition. In such view of the matter, it is submitted that Petitioner is eligible to the benefit as prayed in the application. It is further submitted that similar benefits have already been extended to the persons similarly situated under Annexure-4.

5. Learned counsel for the State submits that the Petitioner is not eligible and entitled to the claims made by him in the writ petition, as he has not passed the examination at the relevant point of time. However, he further submits that the matter can be re-examined in the light of the claim that similarly placed persons like the Petitioner have been extended with the benefits.

6. In view of the aforesaid facts and circumstances of the case, this Court disposes of the writ petition with a direction to the Petitioner to file a fresh representation before the Opposite Party No.1 along with all supporting documents within a period of two weeks along with certified copy of this order. In such event, Opposite Party No.1 shall consider and dispose of the same by passing a speaking and reasoned order within a period of two months thereafter taking into consideration the fact that other similarly situated persons have been extended with the said benefits. Following the principle of parity, the Petitioner should also be extended similar benefits. The decision so taken shall be communicated to the Petitioner within a period of ten days thereafter.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge