

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2036 of 2017

Tapan Kumar Singh

.....

Petitioner

Mr. D.K. Mohapatra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. R.C. Pattnaik, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

08.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. R.C. Pattnaik, learned Standing Counsel for School and Mass Education Department.
4. Perused the record. The petitioner has filed this writ petition claiming 3rd RACP. Pursuant to notice, opposite parties have filed counter affidavit, of which paragraph-7 read as under:-

“7. It is humbly and respectfully stated that the applicant was allowed the benefit of TBA scale of pay w.e.f. 06.02.2000 and 2nd ACP w.e.f. 06.02.2010 under ORSP Rules, 1998 and 2008 respectively counting 15 years service and 25 years service w.e.f. 06.02.1985, i.e., the date from which the applicant has moved to such higher scale of pay because of acquiring B.Ed. qualification. It has been clarified in Finance Department Office Memorandum No.4314/F dated 29.01.2002 that the period of 15 years service in a post/grade is to be counted with reference to the post held, if there is no up-gradation in the scale of pay of that post of the incumbent has not moved to a higher scale of pay because of acquiring higher qualification. However, if the incumbent after acquiring higher qualification has moved to a higher scale of pay even though holding the same designation, 15 years for the TBA scales would be counted from the date on which the incumbent has moved to such higher scale of pay because of acquiring higher qualification. The copy of the Finance Department Office Memorandum dated 29.01.2002 is annexed herewith as Annexure-A/3.”

5. In such view of the matter, the petitioner is not entitled to get

3rd RACP. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

