

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 95 of 2017

Manorama Behura

.....

Petitioner

Mr. S. Roy, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Roy, learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The Petitioner has filed this Writ Petition seeking to quash the order dated 09.08.2016 under Annexure-4 and dated 01.09.2016 under Annexure-5 so far as the Petitioner is concerned and to direct the Opposite parties to extend the 1st and 2nd RACP benefit of promotional post of Rs.9,300/- 34,800/- and G.P. of Rs.4200/- after 10 years and G.P. of Rs.4600/- after 20 years of service in accordance with Finance Department Resolution dated 06.02.2013 with effect from 01.01.2013.

4. Mr. K.C. Sahu, learned Counsel for the Petitioner contended that similar matter had come up for consideration before the State Administrative Tribunal, Odisha, Bhubaneswar in O.A. No. 2603 of 2016 and batch of Original Applications, which were disposed of vide order dated 12.05.2017, wherein the Tribunal had directed to extend the benefit to the Petitioners to the Original Applications, but this Original Application of the Petitioner though was filed at the same time, however unfortunately this matter was left out. He further contended that the order of the Tribunal has already been implemented by the Government vide order dated 22.02.2019. Therefore, the Petitioner is entitled to get the

same benefit as that of the Petitioners in O.A. No. 2603 of 2016 and batch of cases disposed of on 12.05.2017.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that if the benefit has already been extended to the similarly situated persons, there is no valid and justifiable reason not to extend such benefit to the Petitioner.

6. In view of the above, this Writ Petition stands disposed of in terms of the order dated 12.05.2017 passed by the State Administrative Tribunal, Orissa, Bhubaneswar in O.A. No. 2603 of 2016 and batch of matters, which has already implemented by the Government on 22.02.2019. Accordingly, the impugned orders under Annexure-4 and 5, so far as it relates to the Petitioner are hereby quashed and the opposite parties are directed to extend the benefit to the Petitioner in terms of the aforesaid order of the Tribunal.

Arun

(DR. B.R. SARANGI)
JUDGE

