

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 31172 of 2022

Laxmibanta Sahu

.....

Petitioner

Mr. S.K. Gartia, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

22.11.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition seeking to quash the resolution dated 22.12.2017 under Annexure-2 series regarding fixation of pay in accordance with O.R.S.P. Rule, 2017 on notional basis with effect from 01.01.2016 and actual financial benefit with effect from 01.10.2017 and further seeks for a direction to opposite parties to avail the financial benefit with effect from 07.10.2016 instead of 01.10.2017 as per Odisha Revised Scale of Pay Rules, 2017 and the differential arrears may be calculated and paid to the petitioner within a time to be stipulated by this Court.

4. Learned counsel for the petitioner submits that as per the aforesaid resolution though benefits have been extended to the petitioner from 01.10.2017, but he is entitled to such benefits with effect from 07.10.2016 to September, 2017, since the scale of pay has been fixed notionally for the said period. In course of hearing, learned counsel for the petitioner states that highlighting the grievance, the petitioner has made representation to opposite party no.1 vide Annexure-4, but no decision has yet been taken. Therefore, the same may be considered in the light of the judgment passed by this Court in *Smt. Dipti Roy v. State of Orissa and others*, 2004 (II) OLR 718 and *Bijay Ketan Khatua v. State of Orissa and others*, 2015(I) OLR 452.

5. Considering the limited grievance of the petitioner, without expressing any opinion on the merits of the case, this Court disposes of this writ petition directing opposite party no.1 to take a decision on the representation filed by the petitioner vide Annexure-4 in the light of the judgments in **Smt. Dipti Roy** and **Bijay Ketan Khatua** (supra) and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy this order.

6. Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

Arun

