

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.97 of 2019

Ashok Kumar Rath

.... Petitioner

-versus-

State of Odisha & Ors.

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
26.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. R.Mohanty, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned Standing Counsel for the State- Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) The Hon’ble Tribunal be pleased to direct the respondents to modify the order at Annexure-2 and 3 to the extent directing that the applicant is entitled and eligible to get the Grade Pay of Rs.5400/- w.e.f. 19.06.2014 i.e. the 3rd up-gradation under the RACPS in terms of the notification dtd. 19.06.2014 as at Annexure-4; and

(ii) The Hon’ble Tribunal on such basis be pleased to direct the respondents to make available all such financial benefits including the arrears on calculation to the applicant consequent upon grant of 3rd financial up-gradation under RACPS i.e. the Grade Pay of Rs.5400/- w.e.f. 19.06.2014, as due and admissible within a time bound period without any further delay; and

(iii) The Hon’ble Tribunal be pleased to pass such other order/ orders as is deemed fit and proper under the facts and circumstances of the case”.

4. It is submitted that during pendency of the matter basing on the order passed by the learned Tribunal, which has been confirmed by this Court, similar benefit has been extended in favour of similarly situated employees.

5. It is further submitted that taking into account such extension of benefit in favour of similarly situated employees, the Petitioner in the meantime has also approached the Opposite Party No.3 on 15.09.2020 vide Annexure-9 to the Writ Petition.

6. Mr. Mohanty, learned counsel for the Petitioner accordingly submitted that necessary direction be issued to the Opposite Party No.3 to take a lawful decision on the said application submitted by the Petitioner on 15.09.2020.

7. Mr. Balabantaray, learned Standing Counsel for the State –Opposite Party has no objection on such submission of Mr. Mohanty, learned counsel for the Petitioner.

8. In view of the above, this Court while disposing the Writ Petition directs the Opposite Party No.3 to take a lawful decision on the clam made by the Petitioner in his representation dated 15.09.2020 within a period of three months from the date of receipt of this order. The Petitioner is directed to provide a copy of the said representation dated 15.09.2020 and copy of the order passed by this Court before the Opposite Party No.3 within a period of seven days from the date of receipt of this order.

9. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge