

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 786 of 2019

Hrusikesh Rath

.....

Petitioners

Mr. S.Behera, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

29.09.2022

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 direction to the opposite parties to grant 2nd RACP at the rate of Rs.5400/- and 3rd RACP at the rate of Rs. 6600/- after completion of 20 years and 30 years by modifying the office order under Annexures-4, 7 and 9 in view of the judicial pronouncement under Annexure-10.

4. Learned counsel for the petitioner contended that similar issue was there before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 4596 (C) of 2015 (*Tilak Ram Pradhan & 2 others v. State of Odisha and others*) which was disposed of vide order dated 17.05.2017 by directing for extension of the relief as claimed by the petitioners therein. He further contended that the writ petition filed challenging the said order of the tribunal dated 17.05.2017 has also been dismissed by this Court in W.P.(C) No. 18783 of 2020 on the ground of delay and laches. Be that as it may, the case of the petitioner is squarely covered by the ratio decided in

the case of O.A. No. 4596 (C) of 2015 disposed of on 17.05.2017.

5. In view of the above, this writ petition stands disposed of in terms of the order dated 17.05.2017 passed by the tribunal in O.A. No. 4596 (C) of 2015 and accordingly the benefits as admissible to the petitioner in terms of the said order be extended to the petitioner, as early as possible, preferably within a period of three months from the date of communication of the order.

6. Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI, J.)

