

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31765 of 2022

Prasanta Kumar Nayak

....

Petitioner

Mr. Krishna Ch. Sahu, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. N.K. Praharaj, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. Sahu, learned counsel for the Petitioner and Mr. Praharaj, learned Additional Government Advocate.
3. It is submitted by the learned counsel for the Petitioner that the issue involved in the present case is directly and substantially involved in W.P.(C) No.16641 of 2022 (Manamohan Sahoo -v- State of Odisha and others). By a detailed judgment dated 30.09.2022 this Court has decided the issue. Accordingly, he submits that the case of the Petitioner is governed by the law laid down by this Court in Manamohan Sahoo -v- State of Odisha and others (supra).
4. Learned counsel for the Petitioner submits that without taking into consideration the direction in the case of Manamohan Sahoo -v- State of Odisha and others, an office order was passed under Annexure-13 whereunder the Petitioner has been sanctioned a Grade Pay of Rs.4800/- as against a Grade Pay of Rs.5400/- which the

Petitioner claims in view of the judgment in the case of Manamohan Sahoo -v- State of Odisha and others.

5. Learned Additional Government Advocate, on the other hand, submits that let the Petitioner approach the competent authority once again and the competent authority shall consider the case of the Petitioner in view of the law laid down in the case of Manamohan Sahoo -v- State of Odisha and others and refix the Grade Pay if the same is required in view of the judgment in the case of Manamohan Sahoo -v- State of Odisha and others.

6. Considering the submissions made by the respective parties, the order dated 06.05.2022 under Annexure-13 so far as it relates to the Petitioner is hereby set aside and the matter is remitted back to Opposite Party Nos. 1, 2 & 4. Let the Petitioner approach the Opposite Party No.4 along with a certified copy of this order and copy of the order in the case of Manamohan Sahoo -v- State of Odisha and others (supra). In the event the Petitioner approaches the Opposite Party No.4, the Opposite Parties No.2 and 4 as well as Opposite Party No.1 shall do well to take a decision in the light of the law laid down in the case of Manamohan Sahoo -v- State of Odisha and others (supra) within a period of eight weeks from the date of appearance of the Petitioner before Opposite party No.4. Further decision so taken shall be communicated to the Petitioner two weeks thereafter.

7. It is further submitted by the learned counsel for the Petitioner that in an identical case involving the identical issue a writ petition bearing W.P.(C) No.5644 of 2022 was preferred against the order of the Tribunal in O.A.No.726 of 2017. A Division Bench of this court dismissed the said writ petition vide order dated 24.04.2022. He further submits that the applicants in O.A.No.726 of 2017 have been extended the benefit claimed by them in the meantime.

8. With the aforesaid observation, the writ application stands disposed of.
9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

