

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32612 of 2022

Simanchal Das

....

Petitioner

Mr. J.K. Khuntia, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. P.K. Rout, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. J.K. Khuntia, learned counsel for the Petitioner and Mr. P.K. Rout, learned Additional Government Advocate appearing for the State-Opposites.
3. The Petitioner has filed this application to grant the benefit of financial up-gradation under RACP Scheme to Grade Pay of Rs.5400/- with effect from 16.7.2016 the date of eligibility of getting 3rd RACP in the light of the judgment of this Court in the case of ***State of Odisha and another Vrs. Bihari Lal and others*** (W.P.(C) No.2831 of 2016 disposed of on 27.6.2016) and similar matter in W.P.(C) No.14528 of 2019 disposed of on 19.8.2019 and further seeks for a direction to Opposite Parties to pay all consequential financial benefits.
4. Mr. J.K. Khuntia, learned counsel for the Petitioner states that similar question had come up for consideration before a Division Bench of this Court in W.P.(C) No. 2831 of 2016 disposed of on 27.06.2016 (***State of Odisha and another v. Bihari Lal and others***), which

was arising out of an order dated 12.03.2015 passed by the State Administrative Tribunal in O.A. No. 520 of 2014 and this Court quashed the order dated 21.12.2013 (wrongly mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial upgradation in the posts of GPEO/PA, ABDO/SDPO and DPO on completion of 10/20/30 years of service in the post of VLW under the RACP scheme. Therefore, the Petitioner's case may be considered in the light of the said judgment.

5. Mr. P.K. Rout, learned Additional Government Advocate states that if the Division Bench of this Court has resolved the issue, then the Petitioner may approach the authority concerned ventilating his grievance.

6. Considering the contention raised by learned counsel for the parties and after going through the records, this Court grants liberty to the Petitioner to approach the authority concerned by filing representation bringing the notice of the authority the judgment in ***Bihari Lal*** (supra), to which the authority shall apply his mind and pass appropriate order within a period of four months from the date of communication of this order. While considering the grievance of the petitioner, the order dated 01.02.2020 in Annexure-4 Series will be taken into consideration.

7. With the above observation and direction, the writ petition stands disposed of.

(A.K. Mohapatra)
Judge