

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40252 of 2021

Umesh Chandra Naik

.....

Petitioner

Mr. P.K. Rath, Adv.

- Versus -

State of Odisha & Ors.

....

Opposite Parties

Addl. Govt. Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.01.2022

Order No.
01

This matter is taken up through video conferencing mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this application seeking direction to opposite parties for sanction of grade pay of Rs.5400/- in 3rd RACP on completion of 30 years of service w.e.f. 01.01.2013 in view of Panchayati Raj Dept. Notification No. 9652 dated 19.06.2014 under Annexure-7 and as per the settled principle of law in the case of ***State of Odisha and another v. Bihari Lal and others*** (W.P.(C) No.2831 of 2016 disposed of on 27.06.2016) and seeks to quash order no. 21 dated 09.01.2018 at serial no.13 of the order passed by the District Panchayat Officer, Sundargarh under Annexure-1, where Grade Pay of Rs.4800/- in 3rd RACP has been allowed to the petitioner .

4. Mr. P.K. Rath, 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 letter dated 21.12.2013 (wrongly mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial up-gradation 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. Learned Addl. 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 brining 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.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(DR. B.R. SARANGI,)
JUDGE