

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34750 of 2022

Aditya Kumar Kunar

....

Petitioner

Mr. Md Golam Madani, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.Pr. Tripathy, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
 3. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the opp.parties calling upon them to file show cause as to why a direction shall not be issued to grant grade pay of Rs.5400/- in favour of the petitioner as 3rd RACP benefit on completion of 30 years of service with effect from 01.12.2016 as per Finance Department resolution dated 6.2.2013 taking into consideration judgment passed by this Hon’ble Court in case of State of Orissa and other Versus Biharilal Bark in W.P.(C) No.2831 of 2016 dated 27.6.2016.

And further direction be issued to the op.parties to provide the differential arrear pay with effect from 01.12.2016 with accrued interest thereof.

And pass any other order/orders, direction/directions as this Hon’ble Court may deem fit

and proper.”

4. 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 vrs. 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. In course of hearing, learned counsel for the Petitioner submits that the Petitioner may be permitted to file a fresh representation ventilating his grievance before the Collector, Bhadrak-Opposite Party No.4 which may be considered within a stipulated period of time in accordance with law.

6. Learned counsel for the State on the other hand submits that he has no objection if permission is granted to the Petitioner to file the representation before the Opposite Party No.4 and the same is considered and disposed of in accordance with law.

7. Considering the aforesaid submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim before the Collector, Bhadrak-Opposite Party No.4 within a period of two weeks from today. In the event such a

representation is filed within the aforesaid period, the same shall be considered strictly in accordance with law within a period of two months from the date of receipt of the representation.

8. It is further directed that the case of the Petitioner shall be considered by the Opposite Party No.2 in the light of the judgment in the case of *State of Odisha-vrs.-Biharilal Barik* decided by this Court as well as the Hon'ble Apex Court in *SLP No.20358 of 2017* decided on 23.08.2017. The same shall be considered and disposed of by passing a speaking and reasoned order within aforesaid time stipulated. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

