

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35003 of 2022

Duryadhana Sahu

.... ***Petitioner***
Mr. A.K. Das, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
22.12.2022

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 your Lordships may be pleaded to direct the State/O.Ps. for sanction and disbursement of grade pay in 3rd RACP of Rs.5400/- instead of Rs.4800/- w.e.f. 20.3.2015 in view of Panchayati Raj Dept. notification dt. 19.6.2014 under Anx.3 and the settled principle of law in Bihari Lal case and accordingly modify the order under Anx.5 where petitioner has been allowed grade pay Rs.4800/- in 3rd RACP.

The State/O.P. more particularly the O.P. No.5-Collector, Ganjam be directed to send the copy of sanction order of Administrative Deptt. to the higher grade pay in 3rd RACP in compliance to A.G. Odisha letter dated 11.11.2022 under Anx.8 and resubmit the pension papers of the petitioner to A.G. A&E, Odisha for sanction of pension/family pension.

And pass any other order/orders as deemed fit

and proper in the ends of justice.”

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. It is also submitted by the learned counsel for the Petitioner that the Opposite Parties be directed to consider the case of the Petitioner as per the settled law decided in the case of ***State of Odisha vrs. Biharilal Barik*** decided by this Court in W.P.(C) No.20358 of 2017 decided on 23.08.2017.

6. Considering the limited nature of prayer of the Petitioner and considering the fact that the Principal Secretary to Government, Panchayati Raj & D.W. Department, Bhubaneswar (Opposite Party No.1) shall do well to consider the case of the Petitioner within a period of two months from the date of receipt of a certified copy of this order. The decision so taken shall be communicated to the Petitioner within a period of two weeks from the date of such decision. The case of the Petitioner shall be considered by the Opposite Party No.1 in the light of the judgment in the case of ***State of Odisha -vrs.- Biharilal Barik*** decided by this Court in W.P.(C)

No.20358 of 2017 decided on 23.08.2017. The writ petition stands disposed of directing the Competent Authority to dispose of the case of the petitioner by undertaking the entire exercise within a period of two months from the date of production of certified copy of this order.

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

(*A.K. Mohapatra*)
Judge



Debasis