

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35212 of 2022

Chakrapati Kanhar

....

Petitioner

Mr. Budhadev Routray, Sr. Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. T.K. Pattnaik, ASC

**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 Senior Counsel for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the writ petition and the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner seeking a direction to the Opposite Parties No.2 and 4 to extend the benefit of revised scale of pay under the ORSP Rules, 2017 w.e.f. 01.01.2016 as has been done in the case of other similarly situated persons working as Inspectors under the Opposite Party No.2.
4. It is submitted by the learned Senior Counsel appearing for the Petitioner that earlier the Petitioner had approached this Court by filing W.P.(C) No.25162 of 2021 and this Court vide order dated 03.09.2021 disposed of the same by directing the D.G. & I.G. of Police, Cuttack to give promotion to the Petitioner to the rank of Dy. Superintendent of Police from the date of his juniors and batchmate got such promotion. However, the same shall be subject to the outcome of the Disciplinary Proceeding, which is stated to be

pending against the Petitioner. It is further submitted that despite such clear order of this Court, the Petitioner was not given promotion by the departmental authority. Therefore, he has compelled to approach this Court by filing successful contempt applications. However, he further submits that the Petitioner is going to retire from service w.e.f. 31.12.2022 and he has confined his prayer go grant of revised scale of pay under ORSP Rules 2017 w.e.f. 01.01.2016 and as has been paid his batchments who are similarly situated persons.

5. Learned counsel for the State, on the other hand, submits that since the Petitioner had approached this Court directly without approaching the departmental authority, the authority has not considered his case. As such, he submits that the Petitioner may be directed to approach the authority concerned first by filing representation taking therein all the grounds available to him and in the event such representation is filed, the authority be directed to dispose of the same within the stipulated period of time in accordance with law.

6. Considering the aforesaid submission advanced by the learned counsel for the respective parties and taking into factual background of the case, this Court disposes of the writ petition at the stage of admission by directing the Petitioner to file a fresh representation before the Opposite Parties No.2 and 4 within a week hence taking therein all the grounds available to him along with the documents, if any, and in the event such representation is filed before the Opposite Parties No.2 and 4, the Opposite Parties No.2 and 4 shall do well to consider and dispose of the same within a period of two weeks thereafter by taking into consideration the fact that the similarly benefits have already been extended to similarly placed employees

and, accordingly, take a decision in accordance with law and in the event it is found that the Petitioner is eligible to get benefit, such benefit be released in his favour within a period of four weeks thereafter. Authorities are directed to act upon the certified copy of this order.

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

(A.K. Mohapatra)
Judge



Debasis