

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41409 of 2021

Ramakanta Sethy

.....

Petitioner

Mr.A. Kanungo, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.01.2022

Order No.

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This matter is taken up through video conferencing mode.

2. Heard.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to extend the benefit of up gradation w.e.f 18.05.1998 the 1st up-gradation (10 years) G.P. Rs.2800/- and w.e.f 18.05.2008, 2nd up gradation (20 years) in G.P. Rs.4600/- and w.e.f. 18.05.2018 (3rd up gradation) 30 years in Grade Pay Rs.5400/- under the MACP Scheme taking into consideration the judgment passed in the case of *State of Orissa and others Vrs. Biharilal Barik and others* in W.P.(C) No. 2831 of 2016 dated 27.06.2016.

4. In course of hearing, learned counsel for the petitioner states that the petitioner may be permitted to move a fresh representation highlighting his grievances before the authority so that the same can be considered in the light of the ratio decided by this Court in *State of Odisha and another v. Bihari Lal and others* (W.P.(C) No.2831 of 2016 disposed of on 27.06.2016), to which learned counsel for the State has no objection.

5. As agreed to by learned counsel for the parties, this Court

directs the petitioner to file a fresh representation within a period of fifteen days from today ventilating his grievances before the authority. In the event the petitioner files such representation along with the judgment passed by this Court in ***Bihari Lal*** (supra), the authority shall consider and dispose of the same and pass appropriate order taking into consideration the ratio decided in ***Bihari Lal*** (supra), within a period of two months thereafter.

6. With the aforesaid observation and direction, the writ petition is disposed of.

7. 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.

Ashok

(DR. B.R. SARANGI)
JUDGE