

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41912 OF 2021

Mirza Afjal Baig

.....

Petitioner

*Mr. Trilochan Barik,
Advocate*

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. Trilochan Barik, learned counsel for the petitioner.
3. The petitioner has filed this writ petition seeking direction to the opposite parties to sanction 3rd Grade Pay up-gradation as per the RACPS benefit fixed for Madrasas employees vide Govt. Resolution No. 10990/SME dated 20.06.2017 akin to letter no. 3353 dated 13.03.2020 and to release/disburse the revised pay corresponding to the RACPS 3rd pay up-gradation pay in Matric C.T. pay scale of the petitioner as per FD Resolution No. 1738 dated 20.01.2014 and Govt. Resolution No. 10990 SME dated 20.06.2017 and Resolution No. 20734/SME dated 05.10.2015 under Annexure-3 to 8 read with ORSP Rules, 2017 and to pay the differential arrear full and final pay benefits flowing there from as per fixation of 3rd pay up-gradation by way of RACPS for completing 20 years of service, keeping in view the judgment dated 27.06.2016 passed by this Court in W.P.(C) No.2831 of 2016 (*State of Odisha and another v. Bihari Lal and others*), as well as Annexures-3 to 8.

4. In course of hearing, Mr. Trilochan Barik, learned counsel for the petitioner states that the petitioner may be permitted to move a fresh representation with Annexures-3 to 8 highlighting his grievances before the authority so that the same can be considered in the light of the ratio decided by this Court in ***Bihari Lal*** (supra).

5. Considering the limited nature of grievance of the petitioner, this Court directs the petitioner to file a fresh representation within a period of fifteen days from today ventilating grievances before the authority. In the event the petitioner files such representation along with the judgment passed by this Court in ***Bihari Lal*** (supra) and Annexures-3 to 8, the authority shall consider 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.

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.