

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40065 of 2023

Premasila Patel

....

Petitioner

Mr. B.R. Kar, Advocate

-versus-

Govt. of Odisha and Others

....

Opposite Parties

State Counsel

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.12.2023

Order No.

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed with the following prayer:-

"Under the premises as stated above, the humble petitioner fervently prays that, your lordship may graciously be pleased to admit the writ petition, call for the relevant records and after being heard from both the parties allow the writ petition to the extent that

i. To issue appropriate writ in particularly writ in nature of mandamus by commanding the Opp. Party No.1 to take effective step/diligent step/proper initiation on the matter with regards to release the RACP from 01.01.2006 till 31.12.2012 and direct the authority to allow financial up gradation under RACP scheme to the petitioners w.e.f. 1.1.2006 till the retirement and revise their retirement benefits on the basis of the enhanced emoluments.

ii. To direct the Opp. Party No.1 to release the service benefit in shape of arrear to the petitioners within a stipulated period in accordance with law.

iii. To direct Opp. Party No.1 to consider case of the petitioners as per the order passed by the Apex Court in the light of under Annexure-4.

iv. To consider the case of the petitioners in similar nature under Annexure-5.

v. And pass such other order/orders, direction/directions as deem fit and proper to the facts and circumstances of the case to give complete relief to the petitioner. And for this act of kindness, the petitioner as in duty bound ever pray."

4. It is submitted that the claim involved in the present case is covered by the decision of the Hon'ble Apex Court passed in Civil Appeal Diary No.3744 of 2016 and similar order be passed in the present Writ Petition.

5. Considering such submission, the Petitioner is permitted to move a fresh application claiming extension of the benefit as prayed for in the present writ petition within a period of three weeks from today before Opposite Party No.1.

6. It is observed that if such an application is filed within the aforesaid period, the said Opposite Party No.1 while taking a decision on the claim of the Petitioner shall take into consideration the decision of the Hon'ble Apex Court as indicated hereinabove. The entire exercise shall be completed within a period of three months from the date of receipt of such representation. The order passed by the authority be also communicated within that time. It is observed that if ultimately it is found that the Petitioner is eligible to get the benefit, then the said Opposite Party shall also take step to extend the benefits as due and admissible within a further period of three months.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge