



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4900 OF 2017

Deepak Kumar Sethi and others

.... Petitioners

Mr. Sameer Das, Advocate

-versus-

State of Odisha and another

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

17.03.2025

Order No.

22. 1. This matter is taken up through hybrid mode.
2. Learned counsel for both the parties drew attention of the Court to para-1 of the details of Revised Assured Career Progression Scheme (RACPS) (Annexure-6), which reads as under:-

“1. There shall be three financial up-gradations under the RACPS counted from the direct grade on completion of 10, 20 and 30 years of service in a single cadre in absence of promotion. An employee if completed 10 years of service in the entry grade will be considered for 1st up-gradation under RACPS. An employee completing 20 years of service and has got only one upgradation either by promotion or by RACPS will be considered for the 2nd upgradation. Similarly, an employee completing 30 years of service and has got two upgradation either by RACPS or promotion or both will be considered for 3rd upgradation under RACPS.”

2.1 Mr. Das, learned counsel for the Petitioners submits that the Petitioners were continuing in the substantive post of Copyist when they were absorbed as Junior Assistant. No option at that point of time was sought from the Petitioners to absorb them in the cadre of Junior Assistant.



2.2 Mr. Mishra, learned ASC drawing attention of the Court to the words *“There shall be three financial up-gradations under the RACPS counted from the direct entry grade on completion of 10, 20 and 30 years of service in a **single cadre** in absence of promotion.”* (emphasis supplied) submits that since the Petitioners have not completed 20 years in the same cadre, i.e., in the cadre of Junior Assistant, their case for second RACP cannot be considered. Further, the period of service as Copyist in a substantive post cannot be considered for granting second RACP, as they are not continuing in the same cadre. It is further submitted that taking into consideration their seniority in the cadre of Junior Assistant, the Petitioners were promoted to the post of Senior Assistant. Thus, at no stretch of imagination, the period of service they have rendered in the cadre of Copyist in a substantive post can be taken into consideration for grant of second RACP.

3. In view of the contentions raised by learned counsel for the parties, the issue that arises for consideration is, when the Petitioners were absorbed in the cadre of Junior Assistant without obtaining their consent, they may not probably be deprived of getting the benefit of second RACP on the plea that they were not in the same cadre more particularly when at the wish of the employer they were absorbed in the posts of Junior Assistant. Such a situation might not have been foreseen at the time of drafting of the detailed guidelines of RACP Scheme as at Annexure-6. Further, in the order dated 18th February, 2025,



this Court has clarified that the posts of 'Copyist' and 'Junior Assistant' carried similar scale of pay.

4. Hence, Mr. Mishra, learned ASC, prays for an adjournment to take further instruction in the matter in the light of the discussions made above.

5. Put up this matter on 3rd April, 2025 under the heading 'For Orders'.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

s.s.satapathy