



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.10834 of 2026

Santosh Kumar Senapati

.....

Petitioner

Represented by Adv. -
Dr. Binoda Kumar
Mishra

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Mr. U.C.Jena, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

Order No.

15.04.2026

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as the prayer made therein.
3. The Petitioner has filed the present writ application with the following prayer:

“It is, therefore, most humbly prayed that this Hon'ble Court would graciously be pleased to admit this writ petition, call for the records and issue RULE NISI calling upon the Opposite Parties to show cause as to why:

The Petitioner shall not be granted one notional increment for the period from 01.06.2022 to 31.05.2023 by treating 01.06.2023 as the date of grant of notional increment for the purpose of pensionary benefits, in



view of the Office Memorandum No.2392/F dated 22.01.2025 issued by the Finance Department, Government of Odisha and the law laid down by this Hon'ble Court in Arun Kumar Biswal v. State of Odisha;

And if the Opposite Parties fail to show cause or sufficient cause, the said RULE may be made absolute;

And this Hon'ble Court may further be pleased to pass such other order(s) as deemed fit and proper in the facts and circumstances of the case.”

4. It is stated by the learned counsel for the Petitioner that the Petitioner who was serving under the Government, retired from service on 31.03.2025 that is the day before he was entitled to the next increment. Learned counsel for the Petitioner further contended that in an identical matter this Court in the matter of **Arun Kumar Biswal vs. State of Odisha** decided in **W.P.(C) No.17715 of 2020** vide judgment dated 30.07.2021 has already decided the law applicable to the similar cases. Referring to the judgment in **Arun Kumar Biswal's case (supra)**, learned counsel for the Petitioner contended that a Co-ordinate Bench of this Court, while disposing of the writ application, has held that the Petitioner in that case was entitled to get the notional increment for the year to the extent of pensionary benefits only and accordingly a direction was given to the State-Opposite Parties to extend such benefits in favour of the Petitioner by refixing his salary on the basis of notional increment as admissible and, accordingly, direction was given for revision of the pensionary benefits within a stipulated period of time. In view of the aforesaid judgment, learned counsel for the Petitioner contended that the Petitioner is also entitled to notional increment as has been held by the Co-ordinate Bench in **Arun Kumar Biswal's case (supra)**.



5. Learned counsel for the State on the other hand contended that the Petitioner has already approached the Opposite Party No.1 by filing a detailed representation dated 30.06.2025 and it appears that the same is still pending for consideration before the Opposite Party No.1. In such view of the matter, learned counsel for the State contended that in the event no final decision has been taken on the representation of the Petitioner at Annexure-5 by the Opposite Party No.1, he will have no objection if this Court directs the Opposite Party No.1 to consider such representation in accordance with law, within a stipulated period of time.

6. Having regard to the submissions made by the learned counsels appearing for both sides, on a careful examination of the background facts, further keeping in view the principle of law laid down by the Co-ordinate Bench in *Arun Kumar Biswal's case* (*supra*), this Court is of the view that the case of the Petitioner is somewhat identical to the one involved in *Arun Kumar Biswal's case*. Therefore, the present writ application is being disposed of in terms of the judgment of the Co-ordinate Bench of this Court in *Arun Kumar Biswal's case* (*supra*). Accordingly, the Opposite Party No.1 is directed to consider the case of the Petitioner in terms of the aforesaid judgment within a period of two months from today and pass necessary orders on the representation of the Petitioner at Annexure-5. It is further directed that if there are no other legal impediment, the Opposite Party No.1 shall do well to apply the principle laid down by this Court in *Arun Kumar Biswal's case* (*supra*) to the case of the Petitioner in the aforesaid time and the Petitioner be extended with the financial benefits as is due an admissible within a period of six weeks from the date of taking such decision.



7. With the aforesaid observations and directions, the writ application stands disposed of.
8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)

Judge

Rubi

Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 16-Apr-2026 11:30:18

