



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.21180 of 2025

Surendra Kumar Pradhan

.....

Petitioner

Represented by Adv. -
Pravat Kumar Nayak

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
Sasmita Nayak, A.S.C.

CORAM:

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

ORDER

24.03.2026

Order No.

- 03.
1. This matter is taken up through Hybrid mode.
 2. Heard learned appearing counsel for the Petitioner as well as learned counsel appearing 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 pray that let this Hon’ble Court may graciously be please to allow this mentioned in above para-6, the petitioner prays before this Hon’ble Court be pleased to;

- i. *The writ petition is allowed.*
- ii. *This Hon’ble court may be pleased to directing Opposite parties to grant RACP benefits to the petitioner as per the Finance Department resolution dated 06.02.2013 read with the judgment pronounced in O.A.No-1668/2017 disposed of on dated 09.10.2018 and W.P.(C)No-6698/2020 before the HONBLE Supreme Court in SLP(C) No- 15573/2020*



which was ultimately disposed of on Dt.04.01.2021 by computing the entire period of service rendered during the pre-taken over period w.e.f. receiving of grant:

- iii. And this Hon'ble Court be pleased to direct the Respondents to pay the benefit of RACP 3rd increments shall be sanctioned by the D.E.O. Nayagarh with all consequential service and financial benefits.*
- iv. And pass any other any order/orders, direction / directions be passed granting complete relief to the petitioners."*

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner was initially engaged in the service dated 04.05.1998. He further submitted that the case of the Petitioner is squarely covered by the judgment of the Odisha Administrative Tribunal in **Ashok Kumar Mohapatra v. State of Orissa** (O.A. No.1668 of 2017, disposed of on 09.10.2018) which was confirmed by this Court in W.P.(C) No.6698 of 2020 and further confirmed by the apex Court in SLP(C) No.15573 of 2020. Learned counsel for the Petitioner, at this juncture, contended that in view of the settled principle of law, the Petitioner is entitled to get the RACP/MACP benefits. However, he has not been extended with such benefits.

5. Learned counsel for the State, on the other hand, contended that the Petitioner has not approached the Competent Authority, i.e. Opposite Party No.3, District Education Officer, Nayagarh, for redressal of his grievance. In such view of the matter, learned counsel for the State contended that the Petitioner should approach the Opposite Party No.3 for redressal of his grievance and any direction by this Court to the Opposite Party No.3 to consider the case of the Petitioner in accordance with law would not be objected to by the counsel for the State.



6. Considering such submissions and without expressing any opinion on the merit of the case, this Court disposes of the writ petition permitting the Petitioner to make a fresh representation taking therein all the grounds along with the supporting documents before the Opposite Party No.3 within a period of three weeks from today and in the event such representation is filed before the Opposite Party No.3, the Opposite Party No.3 shall do well to consider and dispose of the same in accordance with law and taking note of the ratio laid down in *Ashok Kumar Mohapatra*'s case (*supra*) by passing a speaking and reasoned order within a period of eight weeks from the date of filing of such representation. The decision so taken on such representation shall be communicated to the Petitioner within a week thereafter.

7. With the aforesaid observations and directions, the writ application stands disposed of.

(*Aditya Kumar Mohapatra*)
Judge

Anil