



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 23617 of 2023

Jayadev Behera

.....

Petitioner

Mr. L. Sahu, Adv.

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.K. Panda, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

05.05.2026

Order No. 04

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Parties.
3. The writ Petition has been filed inter alia with the following prayer:-

“It is therefore prayed that the Hon'ble Court may be graciously pleased to admit the writ Application, issue notice to the Opp. Parties and issue rule Nisi in the nature of Writ of mandamus or any other Writ/writs as deem fit and proper calling to the Opp. Parties to show cause and quash the Speaking order dt.20.07.2023 vide Annexure-11 and released all consequential service benefits in favour of the petitioner.

And may further be pleased to pass such other/further writ/writs, direction/directions, order/orders as deem fit and proper in fact and circumstances of the case for the interest of justice and equity;



And for which act of kindness, the petitioner shall as in duty bound, ever pray.”

4. It is contended that Petitioner while continuing in service though he forgo the promotion to the rank of Senior Stenographer, by making an application on 07.04.2005 under Annexure-5, but subsequently, Petitioner made a representation on 31.01.2014 under Annexure-12 with a prayer to extend the benefit of promotion to the rank of Senior Stenographer. But the same was never considered and was kept pending. Not only that Petitioner when was not extended with the benefit of 3rd RACP basing on the resolution issued by the Finance department on 06.02.2013 so available under Annexure-A/3, petitioner made a grievance to extend the benefit of 3rd RACP taking into account the clarification issued by the Finance Department on 20.01.2014 under Annexure-6.

4.1. It is also contended that person similarly situated and who had forgo his promotion, was extended with the benefit of RACP vide order dated 17.12.2014 under Annexure-8, It is contended that on the face of the clarification issued by the Finance Department on 20.01.2014 under Annexure-6, and similar benefit extended in favour of similarly situated employee vide order under Annexure-8, Petitioner's claim was rejected without proper appreciation, vide the impugned order dated 20.07.2023 under Annexure-11.

4.2. It is contended that since Petitioner after forgoing his promotion made a representation on 31.01.2014 with a prayer to extend the benefit of promotion, the same should have been considered in accordance with law. But the same was never



considered and accordingly Petitioner raised the claim to get the benefit of RACP, taking into account the clarification issued by the Finance department on 20.01.2014 under Annexure-6 and similar benefit extended in favour of similarly situated employee vide order dated 17.12.2014 under Annexure-8. But such claim of the Petitioner was rejected vide the impugned order.

4.3. Making all these submissions, learned counsel appearing for the Petitioner contended that Opp. Party No.3 be directed to take a fresh decision on the claim of the Petitioner taking into account the clarification issued by the Finance Department on 20.01.2014 under Annexure-6, and similar benefit extended in favour of similarly situated employee vide order dated 17.12.2014 under Annexure-8.

5. Mr. P.K. Panda, learned counsel appearing for the State on the other hand while supporting the impugned order contended that since Petitioner forgo his promotion and issued a letter in that regard on 07.04.2005 so enclosed vide Annexure B/3-Series, petitioner was held not eligible to get the benefit of RACP. It is contended that since Petitioner forgo his promotion, Petitioner is not eligible to get the benefit of RACP as grant of RACP arose only when an employee is deprived of the benefit of promotion. Since Petitioner admittedly forgo his promotion, Petitioner is not eligible to get the benefit of RACP, which has been rightly rejected vide the impugned order.

6. Having heard learned counsel for the Parties and considering the submission made, it is found that Petitioner while continuing in service he was extended with benefit promotion to the rank of



Senior Stenographer vide order dated 07.07.2001 under Annexure-2.

6.1. It is not disputed that Petitioner forgo his promotion by submitting an application on 07.01.2005 under Annexure-5. However, it is found that subsequently Petitioner made a grievance by making a representation before the Opp. Party No.3 on 31.01.2014 under Annexure-12, claiming extension of the benefit of promotion. But the same was never considered till Petitioner attained the age of superannuation on 31.08.2018.

6.2. However taking into account the clarification issued by the Finance Department on 20.01.2014 under Annexure-6 and similar benefit extended in favour of one Samaru Nanda vide office order dated 17.12.2014 under Annexure-8, Petitioner raised a claim to get the benefit of 3rd RACP under Annexure-9. When the same was not considered, Petitioner approached this Court by filing W.P.(C) No.28857 of 2022.

6.3. This court when directed Opp. Party No.3 to consider the Petitioner's claim taking into account the benefit extended in favour of Samaru Nanda vide order dated 17.12.2014 and the clarification issued by the Finance Department on 20.01.2014. Claim of the Petitioner was rejected vide impugned order dated 20.07.2023 under Annexure-11.

6.4. This Court taking into account a clarification issued by the Finance Department on 20.01.2014 and similar benefit extended vide office order dated 17.12.2014, is of the view that Petitioner's claim is required to be considered afresh. Since while rejecting Petitioner's claim relevancy and effect of order dated 17.12.2014



has not been taken to consideration nor the clarification issued by the Finance Department on 20.01.2014, the impugned order cannot be held to have been rightly passed.

6.5. Therefore this Court while quashing the impugned order dated 19.07.2023 so passed by Opp. Party No.3 under Annexure-11, direct the said authority to take a fresh decision on the Petitioner's claim, taking into account the clarification issued by the Finance Department on 20.01.2014 under Annexure-6 and similar benefit extended vide office order dated 17.12.2014 under Annexure-8. This Court directs Opp. Party No.3 to pass a fresh order within a period of six weeks from the date of receipt of this order.

6.6. Petitioner is permitted to provide a copy of this order along with the clarification issued by the finance department on 20.01.2014 and similar benefit extended vide office order dated 17.12.2014 before Opp. Party No.3 for compliance.

7. The Writ Petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti

Signature Not Verified

Digitally Signed
Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 08-May-2026 11:01:58

