



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4900 of 2017

***Sri Deepak Kumar Sethi and
others***

Petitioners

Represented by Adv.-
Mr. S.K. Das, Adv.

-versus-

State of Odisha & another

Opp. Parties

Represented by Adv.-
Mr. S.B. Panda, AGA for OP.1
Mr. R.K. Bisoi, Adv. for OP.2

CORAM:

**JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH**

**ORDER
25.02.2026**

**Order No.
37.**

The matter was heard at length on more than one occasion.
A Coordinate Bench of this Court vide order dated 14.11.2025 had
observed as under:

*“This Matter Is Taken Up Through Hybrid Arrangement
(Video Conferencing/Physical Mode).*

*This writ petition has been filed by six petitioners for
quashing the letter dated 27.02.2017 so also the letter dated
10.03.2017 under Annexures-9 and 10 respectively and for a
direction to the opposite parties to count the Copyist period of
services of the petitioners from 30.09.2003 to 29.06.2008
towards qualifying service for the purpose of grant of RACP
with effect from 30.09.2013, inter alia, for a further direction to
the opposite parties to calculate the differential arrears of the
petitioners and to pay the same to them within a stipulated
period.*

*In the writ petition, the averments have been taken that
as per the Rules of the State Government, an employee after
completing 15 years of service in one grade is entitled to Time*



Bound Advancement (TBA) Scale of pay and the same provision is made in a different nomenclature for Assured Career Progression (ACP) under Orissa Revised Scale of pay (ORSP) Rules, 2008. An employee became eligible for ACP on completion of 15, 25 and 30 years of service in one cadre/grade. However, it was modified by the State Government in the resolution dated 06.02.2013 by granting Revised Assured Career Progression (RACP) on completion of 10, 20 and 30 years of service in one cadre/grade. The order of the Government dated 06.02.2013 has been annexed as Annexure-6 to the writ petition. Mr. Das, learned counsel for the petitioners has brought on record by way of further affidavit, which is dated 04.09.2025, in which he has annexed the resolution of the Government of Odisha, Finance Department dated 13.02.2025, wherein the words “in a single cadre” mentioned in first sentence of paragraph-1 of the Finance Department resolution NO.3560/F dated 06.02.2013 was deleted.

Learned counsel for the petitioners further argued that in view of such deletion, since the petitioners were the Copyist and as per the Orissa High Court (Conditions of Service of Staff) Rules, 1963 (for short Rules, 1963), the Copyist Post also comes within the Group-C Cadre, at this juncture, there is no difficulty in granting the relief sought for to the petitioners. However, in the counter affidavit filed on behalf of the opposite party No.2, it is mentioned that the appointment of the petitioners as Copyist was in an ex-cadre post. In reply to such counter affidavit filed by the opposite party No.2, the petitioners have filed rejoinder affidavit and also an additional counter affidavit was filed on behalf of the opposite party No.2, in which, in paragraph-8, it has been mentioned that the posts of Remunerated Copyist and copyist still exist in the establishment of Orissa High Court and Copyist are absorbed in the post of Junior Assistant/ASO.

It is contented that in view of the Rules, 1963, there is no anomaly that the petitioners, who were appointed as Copyist, were coming within the Group-C cadre.

Put up this matter on 28th November, 2025.

In the meantime, learned counsel for the State shall obtain instruction and clarify this aspect on the next date of hearing.”

2. We, in our order dated 15.01.2026, had made the following observation:

“In terms of slew of orders passed by coordinate Bench of this Court, learned panel counsel for opposite party no.2 submits that his client would furnish the requisites information to the learned AGA within an outer limit of two weeks.”



In terms of this, a document is adverted to vide No.III-34/2017 1143 dated 16.01.2026, which learned AGA Mr. Panda has placed on record with leave of the Court. The same reads as under:

*“THE HIGH COURT OF ORISSA, CUTTACK
No.III-34/2017 1143/Dated 16.01.2026*

From

*Shri A.K. Parichha,
Special Officer (Special Cell).*

To

*The Under Secretary to Government of Odisha,
Home Department, Bhubaneswar.*

*Sub:- W.P. (C) No. 4900/2017 filed by Deepak Kumar Sethi
and Others Vrs. State of Odisha and Others.*

Ref: Your Letter No. 52582 dtd. 29.12.2025.

Sir,

*With reference to the letter and subject cited above, I am
directed to furnish herewith the point wise information as
follows:-*

- (i) *The petitioners were initially engaged as Remunerated Copyists in the Court's Establishment. The Government of Odisha, Home Department, vide Letter No. 37068 dated 01.12.1971, provided that Remunerated Copyists would be adjusted only against vacancies in the cadre of Junior Grade Typists/Copyists as and when such permanent posts fall vacant. Accordingly, the petitioners were appointed as Copyists vide Court's Office Order No.16653 dated 30.08.2003. At the relevant time, the Orissa High Court (Appointment of staff) Rules, 1963 and the Orissa High Court (Conditions of Service of Staff) Rules, 1963 were in force, under which the post of copyist was a regular post.*

Further, the High Court of Orissa (Appointment of Staff ad Conditions of Service) Rules, 2015 and the High Court of Orissa (Appointment of Staff and conditions of Service) Rules, 2019 also recognize the post of Copyist as a regular appointment post.

- (ii) *The petitioners were absorbed as Junior Assistants vide Court's Office Order No.6086 dated 30.06.2008 pursuant to order of Hon'ble The Chief Justice. At the relevant point of time, the Orissa high Court (Appointment of Staff) Rules, 1963 was in vogue.*

Subsequently, the Government of Odisha, Home Department, vide Resolution No. 13874 dated 29.03.2012, merged the cadres of Junior Assistant and



Senior Assistant and introduced the cadre of Assistant Section Officer with effect from 30.09.2008. The Rules, 1963 did not provide any rule for absorption of Copyist into the cadre of Junior Assistant, such rules were amended in the year 2012, which provided that 10% of vacancies (subject to a maximum of two posts) in the cadre of Assistant Section Officer shall be filled up by promotion/selection from eligible Copyists. Similar provisions are also contained in the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2015 and the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019.

- (iii) *The amended Rules, 1963, as well as the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2015 and the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, expressly provide promotional avenues for Copyists to the cadre of Assistant Section Officer.*

This is for favour of your kind information.

Yours faithfully.

Sd/-

Special Officer (Special Cell) ”

3. We suggested to the parties that in the light of said communication, the matter can be remanded to the portals of the Government for examination afresh, keeping in view all the relevant orders, resolutions and circulars, including 13.02.2025 resolution, which refers to another Coordinate Bench decision in WP(C) No.2831 of 2016 between ***State of Orissa v. Bihari Lal Barik*** disposed off on 27.08.2016 mentioned in paragraph 3 of the resolution. They agree with this.

4. Learned Panel Counsel appearing for the Registry of this Court submits that even the resolution dated 06.02.2013 vide Annexure-6 which provides for grant of RACP benefits also has to be looked into by the Government. This goes without saying.

In the above circumstances, this Petition is disposed off accordingly. The Government is to take a decision within an outer limit of three (3) months after giving an opportunity of hearing to



all the stakeholders. The order impugned in the Petition thus pales into insignificance yielding place for taking a fresh decision. All contentions are kept open.

Costs made easy.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Prasant