



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.11275 of 2026

Ashok Kumar Mallick

.....

Petitioner

Represented by Adv. -
Chiranjeev Mohapatra

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Mr. D.K.Sahoo, A.G.A.

CORAM:

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

ORDER

Order No.

07.05.2026

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 Government Advocate for the State-Opposite Party No.1. Perused the writ petition as well as documents annexed thereto.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, most humbly prayed that taking into consideration the aforesaid facts and circumstances of the case, this Hon’ble Court may graciously be pleased to issue Rule Nisi in the nature of writ of Mandamus/Certiorari calling upon the Opp.Parties to show cause as to why impugned order dated 02.07.2019 under Annexure-5 shall not be quashed/set aside and further a direction shall not be issued to the opp. parties 2 and 3 to revise the pay fixation of the petitioner with effect from 01.01.2013 till 31.05.2022 including his step up of pay benefit allowed vide office order dated 20.11.2013 under



Annexure-2 and further direct to pay the arrear amount including arrear of refixation of pensionary benefits;

AND

If the opp. Parties fail to show cause and/or show insufficient or false cause, make the said Rule Nisi absolute;

AND

Pass such other further order/orders as deems just and proper.”

4. Learned counsel for the Petitioner at the outset contended that initially the Petitioner joined in OUAT as L.D. Assistant w.e.f. 14.05.1980. Thereafter, the Petitioner was promoted to the post of Senior Assistant (Establishment) w.e.f. 14.05.1993. Again, the Petitioner was given promotion to the post of Section Officer w.e.f. 26.12.2011. Learned counsel for the Petitioner at this juncture contended that a similarly situated employee namely Prasant Kumar Sahu was promoted to the post of Section Officer on 22.08.2012 after the Petitioner was promoted to the post of Section Officer and has been extended with the benefit of RACP. She further submitted that the OUAT by virtue of its notification dated 21.02.2019 adopted the revised scale of pay Rules, 2009. Accordingly, w.e.f. 02.07.2019 step up benefit was cancelled and the pay was fixed as per the ORSP Rules.

5. In course of her argument, learned counsel for the Petitioner specifically referred to the office order dated 20th November, 2013 at Annexure-2 and submitted before this Court that the Petitioner was extended with the benefit of a grade pay of Rs.4200/-. While the Petitioner was discharging his duties and getting the aforesaid Rs.4200/- by virtue of the impugned office order dated 02.07.2019 at Annexure-5, the stepping up pay benefit as allowed to the present



Petitioner w.e.f. 01.01.2013 was cancelled pending clarification from the Government. Being aggrieved by such order dated 02.07.2019 the Petitioner has approached the Opposite Parties on several occasions by filing memorandum/representations, however no final decision has been taken on the same. She further submitted that the last such representation was submitted on 09.02.2026 before the Opposite Party No.1 at Annexure-11 to the writ application. She further submitted that in the representation at Annexure-11, the Petitioner has taken all the grounds and has narrated the entire background facts in detail. Despite such representation having been filed before the Opposite Party No.1 assailing the impugned order dated 02.07.2019 at Annexure-5 and seeking clarification, no final decision has been taken on such representation. Being aggrieved by the inaction of the Opposite Party No.1, the Petitioner has been compelled to approach this Court by filing the present writ application.

6. Learned counsel for the State on the other hand contended that he has no specific instruction in the matter. However, according to the Petitioner he has already approached the Opposite Party No.1 by filing a representation dated 09.02.2026 at Annexure-11 for redressal of his grievance and the same is stated to be pending before the Opposite Party No.1. He further contended that in the event such representation is pending for consideration and no final decision has been taken in the meantime, he will have no objection if this Court directs the Opposite Party No.1 to consider such representation of the petitioner strictly in accordance with law and within a stipulated period of time.

7. Considering the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the



background facts as well as taking into consideration the fact that the benefit of stepping up pay, which was earlier extended to the Petitioner w.e.f. 01.01.2013 by virtue of order at Annexure-2, was subsequently cancelled vide order dated 02.07.2019 at Annexure-5 and clarification has been sought for from the Government, this Court deems it proper to dispose of the present writ application by directing the Opposite Party No.1 to consider the representation of the Petitioner at Annexure-11 in accordance with law and dispose of the same by passing a speaking and reasoned order within eight weeks from the date of communication of a copy of today's order. It is further directed that necessary clarification be provided to the OUAT as sought for within the aforesaid time. The final decision so taken by the Opposite Party No.1 be also communicated to the Petitioner,

8. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)

Judge

Rubi

Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 12-May-2026 11:10:57

