



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2806 of 2025

Soubhagya Ranjan Das ***Petitioner***

Mr. Manoja Kumar Khuntia, Advocate

-versus-

***Smt. Anu Garg, IAS, Development
Commissioner-cum-Additional
Chief Secretary to Government and*** ***Opposite Parties
others***

Mr. Manmaya Kumar Dash, Addl. Standing Counsel

CORAM:

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

13.02.2026

Order No.

09. 1. Mr. Manmaya Kumar Dash, learned Addl. Standing Counsel sought for an accommodation to comply with the order dated 28.02.2025 passed in W.P.(C) No.26518 of 2019.

2. Mr. Manoja Kumar Khuntia, learned Advocate for the petitioner submitted that though show cause affidavits have been filed by the opposite parties/contemnors on earlier occasions, the order dated 28.02.2025 passed in W.P.(C) No.26518 of 2019 has not yet been complied with in its right perspective.

2.1. It is brought to the notice of this Court that the operative portion of the order dated 24.10.2017 of the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar passed in O.A. No.323 of 2015 reveals as follows:

“Hence, that portion of Annexure-3 i.e. the order of respondent No.1 dtd. 12.6.2014 relating to applicant at



serial No.28 granting him Grade pay of Rs. 5,400/- stands quashed. Respondents are directed to grant Grade Pay of Rs.6,600/- if he is entitled to second stage of upgradation under RACPS upon completion of 20 years of service w.e.f. 1.1,2013 of service with all consequential financial benefits.

Entire exercise be completed within a period of three months from the date of receipt a copy of this order.”

2.2.He drew attention of this Court to Paragraph-7 of order dated 28.02.2025 passed by this Court in W.P.(C) No.26518 of 2019 which contains the following:

“7. The Government in Finance Department issued a Resolution for fixation of pay in RACPS, according to which there shall be three financial up-gradations counted from the direct entry grade on completion of 10, 20 and 30 years of service in a single Cadre in absence of promotion.

7.1. On 13.06.2014, pay of the petitioner was fixed at 1st stage of up-gradation with grade pay of Rs.4,800/- and on completion of 20 years of service he was allowed Rs.5,400/- instead of grade pay of Rs.6,600/-. Grievance of the petitioner being considered by the Odisha Administrative Tribunal in O.A. No.323 of 2015 prayer was allowed to avail benefit of grade pay of Rs.6,600/- on completion of 20 years of service.



7.2. On 31.03.2018, the petitioner was appointed in Odisha Administrative Service by way of promotion. The Director, E&S, Odisha, Bhubaneswar directed the Collector-cum-District Magistrate, Dhenkanal to send the original service book of the petitioner for sanction of grade pay of Rs.6,600/- and consequently, he was granted scale of pay as is meant for Level-13 in pay band-3 having grade pay of Rs.6,600/-.

7.3. However, by letter dated 25.03.2019 the pay was instructed to be reduced and the grade pay is, thus, sought to be fixed at Rs.4,600/- as against Rs.6,600/- (Annexure-8).”

2.3. Thereafter, Mr. Manoja Kumar Khuntia, learned Advocate relied on Paragraph-10 of the said order which reads as follows:

“10.7. The analysis of aforesaid provisions makes it unambiguous that the services/posts of ORS is not exCadre posts. After his promotion by way of selection in the Odisha Revenue Service, the petitioner was appointed in the Odisha Administrative Service on 31.03.2018 by way of promotion. Further, he was promoted to the OAS-I (Senior Branch) on 01.10.2022. Hence, it cannot be said that the petitioner was appointed to an ex-Cadre post and the action of the opposite parties in fixing the pay of the petitioner in a lower scale and reducing his grade pay is not tenable in the eye of law. Thus, the stand taken by the opposite parties in their counter-affidavit that the



petitioner was selected in ex-Cadre post is not sustainable.”

3. This Court in the said order at Paragraph-11, 11.1 and 11.2 made the following observation:

“11. It is further case of the petitioner that documents enclosed at Annexure-12 series to the rejoinder affidavit have not been objected to by the opposite parties.

11.1. It is submitted by Sri Manoja Kumar Khuntia, learned Advocate that similarly situated persons have been granted relief, but not disturbed by the opposite parties, to which Sri Jayanta Kumar Bal, learned Additional Government Advocate has no explanation to proffer.

11.2. Therefore, it is quite obvious to take cognizance of the fact that when the Government has accorded identical benefit as that is claimed for by the petitioner to other similarly circumstanced persons/employees, there is no scope for the opposite parties to treat the petitioner differently.”

4. Mr. Khuntia, learned Advocate further submitted that the show cause affidavit does not reveal the fact that the authority concerned has given effect to the order passed by the learned Tribunal which has not been varied by this Court and he further submitted that though similarly circumstanced employees have been extended the benefit(s), the petitioner cannot be denied such benefit(s) in



contradiction to the direction of this Court *vide* order dated 28.02.2025 passed by this Court in W.P.(C) No.26518 of 2019.

4.1. Mr. Khuntia, learned Advocate for the petitioner further drew attention of this Court to Paragraphs-6 and 7 of the show cause affidavit dated 16.09.2025 sworn to by Mr. Laxmikanta Sethi, Secretary, Board of Revenue, Odisha, Cuttack, the text of which is reproduced hereunder:

“6. That, it reveals from the Annexure-8 of the writ petition that, Govt. in Rev & D.M. Department (Opp. Party No.4) vide letter No.9649/R & DM, Dated, 25.03.2019 addressing to ADM, Dhenkanal has sent the procedure of pay fixation after promotion to ORS cadre w.e.f. 21.06.2013 in favour of the petitioner.

7. That, it further reveals from the Counter Affidavit submitted by Govt. in Revenue & D.M. Department (Opp. Party No.4) that, on appointment to ORS Group-B vide Revenue & D.M. Department Notification No.22504/R, Dated 10.06.2013 and joining in the said cadre on 21.06.2013, his pay in the previous cadre was protected as per Finance Department Memo No.1738/F, Dated 10.01.2014 (Annexure-9) instead of fixed U/R-13 of ORSP Rules, 2008 as he was appointed to an ex-cadre post (ORS) carrying a lower grade pay of Rs.4,600/-. As a result, his pay was fixed in the promotional post by reducing his G.P. from Rs.6,600/- to Rs.4,600/- by extending the benefits of protection of pay as per pay in previous cadre by G.P. Rs.4,600/- + Rs.2,000/- (RPP).”



4.2. Mr. Khuntia, learned Advocate, therefore, submitted that the authority concerned having filed affidavit that Grade Pay of Rs.4,600/- has been extended to the petitioner instead of Rs.6,600/- is contemptuous and is liable to be rejected.

5. At this stage, Mr. Manmaya Kumar Dash, learned Addl. Standing Counsel seeks a week's accommodation to peruse the record and do the needful.

6. List this matter on 06.03.2026 in order to enable the appropriate authority to file compliance affidavit by the next date.

(M.S. Raman)
Judge

Bichi