

IN THE HIGH COURT OF ORISSA AT CUTTACK
EXP No. 9 of 2025

Abhimanyu Nayak

.....

Petitioner

Represented by Adv. -
Mr. Bhakta Ranjan
Barik

-versus-

1) Sanjeeb Kumar Mishra, I.A.S.

.....

Opposite Parties

2) Vishal Singh, I.A.S

Represented by Adv. –
Mr. S.J. Mohanty,
A.S.C.

CORAM:
REGISTRAR (JUDICIAL)

ORDER
08.07.2026

Order No.

12. Learned counsel for the petitioner, decree holder and the learned A.S.C. are present.

During hearing of the case the learned counsel appearing for the petitioner submitted that it was directed to the Opposite Parties to consider the claim of the petitioner taking into consideration the benefit given to similarly situated PETs working in SC & ST Development Department. However, till date the above direction was not complied with rather the claim of the petitioner was rejected once again.

On the other hand, the learned A.S.C. appearing for the Opposite parties submitted that the petitioner is not entitled to get the higher Grade Pay on the ground that the qualification required for the post of PET is matric, C.P.E.D. Although the petitioner possesses higher qualification that does not automatically entitled him for getting higher pay because pay in any service is attached to the respective cadre in which the person has been appointed and not to the qualification which he possesses. It was further submitted

that the Hon'ble Court while disposing the writ petition had directed the Opposite Parties to consider the case of the petitioner if he is otherwise eligible to get the benefit as claimed. Accordingly, the claim of the petitioner was examined by the Opposite Parties but he was found not to be eligible for such higher scale of pay. In this regard, a speaking order was passed by the Commissioner-cum-Secretary to Government of Odisha in St & SC Development, M & BCW Department vide order dated 29.10.2025. Submitting the above, the learned A.S.C. prayed to drop the proceeding.

Heard both sides. On going through the case record it reveals that the petitioner had approached the Hon'ble Court against the order passed by Opposite Party No. 2 wherein his claim to grant the I.A., C.P.E.D. Scale of Pay as has been granted in identical cases in other districts was not considered. While disposing the case, the Hon'ble Court vide order dated 24.06.2024 has observed which is as follows:

“In view of such analysis and the extension of benefit in favour of similarly situated PETs, this Court is inclined to quash order dtd.05.11.2020 so passed by Opposite Party No.2 under Annexure-9. While quashing the same, this Court remits the matter to Opposite Party No.1 to take a fresh decision on the claim of the Petitioner within a period of two (2) months from the date of receipt of this order. It is observed that while taking such a fresh decision, relevancy and effect of the benefit extended in favour of similarly situated PETs working in SC & ST Development Department vide orders issued under Annexures- 4 to 8 and 10 and 11 shall be taken into consideration in its proper perspective. On such consideration, if it is found that Petitioner is otherwise eligible to get the benefit as claimed, consequential follow up action shall also be taken.”

On perusal of the case record it further reveals that as per the direction of the Hon'ble Court the case of the petitioner was re-examined but the same did not find favour on the ground that *"Higher qualification in a post having a prescribed lower qualification does not necessarily imply provision of a higher scale of pay as in Government establishment the post defines the scale. Hence higher scale of pay in respect of PETs possessing higher qualification is not tenable without change in cadre rule."* It has been further clarified in the said order that similar benefits were extended by the Collectors of certain districts either pursuant to specific Court directions or due to misinterpretation of Department letters.

On going through the counter affidavit filed by O.P. No. 1, the Office Order passed dated 29.10.2025 vis-à-vis the order of the Hon'ble Court passed in WP(C) No. 11778 of 2022 dated 24.06.2024, I am of the opinion that the order passed by the Commissioner-cum-Secretary to Government of Odisha in ST & SC Development, M & BCW Department vide order dated 29.10.2025 is in no way contrary to the direction made by the Hon'ble Court. Hence, there remains nothing to be proceeded further with the present case. Hence, the case is dismissed.

Registrar (Judicial)
Lawzima