



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 30069 of 2024

Nilakantha Pradhan

.....

Petitioner

Mr. P.K. Mahapatra, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. A. Tripathy, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.08.2025

Order No. 02

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Mahapatra, learned counsel appearing for the Petitioner and Mr. A.Tripathy, learned Addl. Govt. Advocate appearing for the Opp. Parties.
3. The present writ petition has been filed inter alia challenging order dtd.23.10.2024 so passed by the Govt.-Opp. Party No. 1 under Annexure-7. Vide the said order claim of the Petitioner for fixation of his pay under ORSP Rules, 2017 in Level-6, Cell-15 has been rejected.
4. Learned counsel appearing for the Petitioner contended that in terms of the provisions contained under ORSP Rules, 2017, more particularly Rule 13 and the schedule appended thereto, Petitioner became entitled to get the pay fixation in Level-6, Cell-15. It is also contended that similarly situated PEOs in the district of Bolangir, Jajpur, Nuapada & Sundergarh were extended with the said benefit with fixation of their pay under ORSP Rule 2017 in Level-6, Cell-15. But claim of the Petitioner was rejected relying on a Resolution



issued by the Finance Department on 07.09.2017 under Annexure-A/1.

4.1. It is contended that claim of the Petitioner is squarely covered under Rule 13 of ORSP Rules, 2017 so notified on 20.09.2017 under Annexure-1. But relying on a Finance Department Resolution issued on 07.09.2017 under Annexure-A/1, claim of the Petitioner has been rejected vide the impugned order under Annexure-7.

4.2. It is contended that in view of the provisions contained under the Rules, Petitioner is eligible and entitled to get the benefit of pay fixation in Level-6, Cell-15. However, basing on the stipulation contained in the Resolution dtd.07.09.2017 under Annexure-A/1, claim of the Petitioner has been rejected vide the impugned order.

4.3. It is also contended that since claim of the Petitioner is based on the stipulation contained in ORSP Rules, 2017, stipulation contained in the resolution cannot supersede the provisions contained under the Rules. Making all these submissions, it is contended that rejection of the Petitioner's claim on the ground indicated in the impugned order is not sustainable in the eye of law.

5. Learned Addl. Govt. Advocate on the other hand while supporting the impugned order, contended that in terms of the Resolution dt.07.09.2017 under Annexure-A/1, more particularly the provision contained under Para 12 of the said Resolution, Petitioner was not found eligible to get the benefit of pay fixation in Level-6, Cell-15. It is accordingly contended that Petitioner's claim has been rightly rejected vide Annexure-7 and it requires no interference.

6. To the stand taken in the counter affidavit and the submission so made, learned counsel appearing for the Petitioner contended that in



similar issue, this Court has referred the claim of similarly situated PEOs to the Panchayati Raj Department – Opp. Party No. 1 for reconsideration, taking into account the benefit extended in favour of similarly situated PEOs in the district of Bolangir, Jajpur, Nuapada & Sundergarh as well as the schedule appended to ORSP Rule, 2017 so notified on 20.09.2017 under Annexure-1.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that claim of the Petitioner has been rejected vide the impugned order dtd.23.10.2024 relying on the provisions contained in Resolution dtd.07.09.2017 under Annexure-A/1. Since claim of the Petitioner for fixation of his pay in Level-6, Cell-15 flows from ORSP Rule, 2017, so notified on 20.09.2017 under Annexure-1 to the writ petition, it is the view of this Court that rejection of the Petitioner's claim relying on the Resolution dtd.07.09.2017 under Annexure-A/1 is not just and proper. This Court is of the view that claim of the Petitioner should have been considered in the light of the provision contained under ORSP Rules, 2017.

7.1. In that view of the matter and the fact that similar claim has been remitted by this Court to Opp. Party No. 1 for reconsideration, this Court is of the view that the matter requires a fresh consideration by Opp. Party No. 1. Therefore, this Court while quashing the impugned order dt.23.10.2024 under Annexure-7, remits the matter to Opp. Party No. 1 to take a fresh decision on the Petitioner's claim.

7.2. This Court however directs Opp. Party No. 1 to take into consideration as to whether similarly situated PEOs have got the benefit of pay fixation in Level-6, Cell-15 in the district of Bolangir, Jajpur, Nuapada & Sundergarh. This Court directs Opp. Party No. 1



to take a fresh decision within a period of three (3) months from the date of receipt of this order and communicate the result of such exercise to the Petitioner.

8. The writ petition is disposed of accordingly.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified

Digitally Signed
Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 22-Aug-2025 10:26:19

