



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35394 of 2023

Smruti Ranjan Bal

....

Petitioner

Mr. S.D. Routray, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.04.2026

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. The present Writ Petition has been filed *inter alia* with the following prayer:-

"It is therefore, most humbly prayed that this Hon'ble Court be graciously pleased to

i) Admit the writ application.

ii) Call for the record.

iii) Issue rule NISI calling upon the Opp. parties more particularly Opp. Party No 1 to show cause as to why the impugned order of rejection dated 24.05.2023 passed by the Opposite Party No.1 under Annexure: 12 shall not be quashed.

iv) And if the Opp. parties fails to show cause or show insufficient cause, issue a or any writ in the nature of certiorari other writ / writs, direction / directions by



quashing the impugned order of rejection dated 24.05.2023 passed by the opposite party No.1 under Annexure: 12.

v) Issue a writ in the nature of mandamus or any other writ/writs the direction/directions directing opposite parties to extend the scale of pay at par with the pay attached to the post of MPHS (M) in terms of the letter dated 18.08.2014 under Annexure: 13 within a reasonable time to be stipulated by this Hon'ble Court and to extend all service and financial benefit to the petitioner.

vi) And/or pass any other order/orders, direction/directions as this Hon'ble Court deems fit and proper for the ends of justice.

And for the said act of kindness, the petitioner as in duty bound shall ever pray.”

4. It is contended that claiming pay parity with that of the employees continuing as MPHS (M), Petitioner was before this Court in WPC (OAC) No.1386 of 2014. The said Writ Petition was disposed of by this Court vide order dtd.28.08.2022 under Annexure-11, with a direction on the Opposite Party No.1 to take a decision taking into account the clarification issued by the Director of Health Service –Opposite Party No.3 vide his letter dtd.18.08.2014 under Annexure-13.

4.1. It is contended that on the face of such order passed by this Court in the earlier Writ Petition and the clarification issued by the Director of Health Services-Opposite Party No.3 in his letter dtd.18.08.2014 and the earlier clarification issued by the self-same authority on 23.05.2012 under Annexure-6, claim of the Petitioner was



rejected vide the impugned order dtd.24.05.2023 under Annexure-12.

4.2. It is contended that Petitioner and similarly situated persons working as Filaria / Malaria Inspector though were allowed similar pay scale with that of MPHS(M) all through, but basing on the demand made by the association representing MPHS(M), their pay scale was raised to Rs.9,300/- to Rs.34,800/- with grade pay of Rs.4,200/- in terms of Finance Department Office Memorandum dtd.27.06.2011, w.e.f. 31.03.2010 notionally and financial benefit w.e.f. 01.06.2011. However, similar pay scale when was not extended, so allowed in favour of MPHS (M), the matter was carried to this Court and this Court directed for consideration of the Petitioner's claim taking into account the clarification issued by the Director under Annexure-13. But without taking note of the said clarification and the earlier clarification issued under Annexure-6, claim of the Petitioner was rejected vide the impugned order dtd.24.05.2023 under Annexure-12.

4.3. It is contended that since till 31.03.2010, Petitioner and similarly situated Filaria / Malaria Inspectors were getting similar pay scale as that of MPHS(M), the ground on which Petitioner's claim has been rejected while extending the benefit in favour of MPHS (M), vide the impugned order is not sustainable in the eye of law and requires interference of this Court.



5. Mr. C.K. Pradhan, learned Addl. Government Advocate for the State on the other hand while supporting the impugned order made his submission basing on the stand taken in the counter affidavit so filed by Opposite Party No.1. Placing reliance on the stand taken in Para-13 of the counter affidavit, it is contended that taking into account the disparity of work involving Filaria / Malaria Inspector to that of MPHS (M), and the job chart provided for MPHS (M) vis-à-vis Filaria / Malaria Inspector, claim of the Petitioner in terms of the earlier order was considered and rejected vide the impugned order dtd.24.05.2023 under Annexure-12. The stand taken in Para-13 of the counter affidavit reads as follows:-

“13 That in reply to the averments made in Para-17 & Para-18 of the Writ Petition, it is humbly submitted that, the stand taken by the petitioner to equalize the scale of pay of Falaria / Malaria Inspector to that of MPHS(M) as per the Letter dated-18.08.2014 issued by the O.P. No. 3 i.e. Director, Health Services was taken up for consideration by the O.P. No.1 and could not be considered on the ground of disparity of work of Filaria / Malaria Inspector to that of MPHS(M) as a final decision making authority. The job chart of MPH(W)(Male) and MPHS (Male) prescribed by the Govt. in Health & F.W. Deptt. Vide Letter No. 22959 dt.12.08.2013. A copy of the Job Chart dt.12.08.2013 is annexed herewith as Annexure-F/ 1.”

5.1. It is contended that since the nature of work of Filaria / Malaria Inspector is different to that of MPHS (M), their claim for pay parity w.e.f. 31.03.2010 has been rightly rejected.



6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioner and similarly situated Filaria / Malaria Inspectors were getting similar pay scale till 31.03.2010. However, basing on Finance Department Office Memorandum issued on 27.06.2011, pay scale of MPHS (M) was raised to Rs.9,300/- to Rs.34,800/- with grade pay of Rs.4,200/- w.e.f. 31.03.2010 notionally, and financial benefits was extended w.e.f. 01.06.2011.

6.1. Claiming similar pay scale, Petitioner raised grievance and ultimately approached this Court by filing WPC(OAC) No.1386 of 2014. This Court vide the order dtd.28.08.2022 though directed Opposite Party No.1 to take a decision, taking into account the clarification issued by the Director on 18.08.2014 under Annexure-13, but as found from the impugned order, the said clarification has not at all been taken note of by Opposite Party No.1. Not only that since Petitioner and similarly situated Filaria / Malaria Inspectors were getting similar pay scale as that of MPHS (M) till 31.03.2010 which is not disputed, this Court is of the view that the ground on which Petitioner's claim has been rejected vide the impugned order is not sustainable in the eye of law.

6.2. Therefore, in view of the aforesaid analysis, this Court while quashing the impugned order dtd.24.05.2023 under Annexure-12 remits the matter to Opposite Party



No.1 to take a fresh decision taking into account the fact that Petitioner and similarly situated Filaria / Malaria Inspectors were getting similar scale of pay till 31.03.2010 with that of MPHS (M). This Court further directs Opposite Party No.1 to take a decision taking into account the clarification issued by the Director- Opposite Party No.3 on 18.08.2014 under Annexure-13 and so also the earlier clarification issued on 23.05.2012 under Annexure-6. This Court directs Opposite Party No.1 to take a decision as directed within a period of six (6) weeks from the date of receipt of this order with due communication to the Petitioner.

7. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat