



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.125 of 2026

Saibandan Biswal

.....

Petitioner

Represented by Adv. -
Shashanka Shekhar
Patra

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Mr. U.C.Jena, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
25.03.2026

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the parties.
 3. Petitioner has filed the present Writ Petition inter alia challenging the order dt.03.04.2024 so passed by Opp. Party No.2 under Annexure-5. Vide the said order, the claim of Petitioner to get the benefit of IACPED scale of pay has been rejected on the ground that the benefit is not extendable in favour of the PETs working under SC/ST Development Deptt. as the service condition is governed under the Orissa Subordinate Tribal Welfare Education (Recruitment and Conditions of Service Rules, 1993).
 4. Learned Counsel appearing for the Petitioner contended that similar benefit though has been extended in favour of similarly



situated PETs working in SC & ST Development Deptt. vide Office Order dt.02.03.2019 vide Annexure-2 series, but the claim of the Petitioner has been rejected on the ground indicated hereinabove.

4.1. It is contended that since persons similarly situated have been extended with the benefit of IACPED scale of pay working in schools coming under SC/ST Development Deptt., the rejection of Petitioner's claim so made vide impugned order dt.03.04.2024 under Annexure-5 is not sustainable in the eye of law. It is accordingly contended that the impugned order is liable to be interfered with by this Court.

5. Mr. U.C. Jena, learned Addl. Standing Counsel on the other hand made his submission basing on the stand taken in the counter affidavit.

5.1. It is contended by the learned Addl. Standing Counsel that under the provisions contained under the aforesaid 1993 Rules, there is no provision to extend the benefit of IACPED scale of pay. It is accordingly contended that since the Rule does not provide for extension of such benefit, the claim has been rightly rejected vide order under Annexure-5.

6. Having heard learned counsel for the parties and after going through the materials available on record, this Court finds that persons similarly situated and working as PETs in other schools under SC/ST Department in the School and Mass Education Deptt. are getting the benefit of IACPED scale of pay in terms of the decision of this Court in the case of *Niranjan Nayak Vs. State of*



Orissa and Others, reported in **2003 (II) OLR 321**. Not only that similar benefit of IACPED scale of pay has also been extended in favour of one PET working under SC & ST Development Deptt. vide order dt.19.02.2024 under Annexure-4 series.

6.1. Since persons similarly situated and working in the Deptt. have been extended with the benefit of IACPED scale of pay, the ground on which the Petitioner's claim has been rejected vide impugned order dt.03.04.2024 under Annexure-5, by Opposite Party No.2 as per the considered view of this Court, is not sustainable in the eye of law.

6.2. Therefore, this Court is inclined to quash the said order and while quashing the same, directs Opp. party No.2 to extend the benefit of IACPED scale of pay as due and admissible from the date of eligibility of petitioner within a period of three (3) months from the date of receipt of this order. Differential salary as due and admissible shall also be released within the aforesaid time period.

The Writ Petition is accordingly disposed of.

(A.K. Mohapatra)
Judge

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