

(2024) 02 OHC CK 0250

In the Orissa High Court

Case No : Writ Petition (C) No. 41608 Of 2023

Susanta Kumar Dwivedi

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 27-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0250

Hon'ble Judges : Biraja Prasanna Satapathy, J

Bench : Single Bench

Advocate : P.K. Mohapatra, S. Jena

Final Decision : Disposed Of

Judgement

Biraja Prasanna Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel appearing for the Parties.
3. Instruction provided by the Collector, Jajpur vide letter dtd.13.02.2024 so produced in Court be kept in record.
4. It is the case of the Petitioner that the Petitioner though was eligible to get the benefit of I.A.C.P.Ed scale of pay but when that was not extended with, Petitioner approached this Court in W.P.(C) No.19685 of 2023. This Court vide order dtd.28.06.2023 when directed Opposite Party No.3 to take a decision on the claim of the Petitioner, Opposite Party No.3 on consideration of the same passed an order on 27.07.2023 under Annexure-7, directing the District Welfare Officer, Jajpur, the Opposite Party No.4 to extend the benefit, as it has been extended in other district of the State. But on the face of the order passed by Opposite Party No.3 on 27.07.2023 under Annexure-7, Opposite Party No.4 vide letter dtd.29.08.2023 when sought for instruction from the Government in the SC & ST Development Department as to whether such a benefit can be extended, Petitioner being aggrieved by such action of Opposite Party No.4 is before this

Court in the present Writ Petition.

4.1. It is contended that once Opposite Party No.3 in terms of the order passed by this Court held the Petitioner entitled to get the benefit of I.A.C.P.Ed scale of pay there was no occasion on the part of the Opposite Party No.4 to seek clarification from the Government in that regard.

4.2. It is also contended that similar benefit has been extended in favour of PETs working in SC & ST Development Department in other district of the State. It is accordingly contended that the order passed by the Collector on 27.07.2023 be complied with by the Opposite Parties without any further delay.

5. Even though counter affidavit was initially filed by Opposite Party Nos.3 & 4 justifying the request made by Opposite Party No.4 under Annexure-3, but basing on the order passed by this Court on 30.01.2024, learned Addl. Government Advocate produced the instruction in Court today so provided by the self-same Opposite Party No.4 vide his letter dtd.13.02.2024. Basing on the instruction, it is contended that similarly situated PETs in other district of the State have got the I.A.C.P.Ed scale of pay and Petitioner in view of the order passed by the Collector under Annexure-7 is also entitled to get the benefit.

6. Having heard learned counsel for the Parties and considering the submissions made, this Court while disposing the Writ Petition directs Opposite Party Nos.3 and 4 to extend the benefit in terms of the order dtd.27.07.2023 so passed by Opposite Party No.3 under Annexure-7 within a period of six (6) weeks from the date of receipt of this order.

7. Accordingly, the Writ Petition stands disposed of.

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