

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 15043 of 2016

Jayanti Sahoo

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

State of Orissa & Ors.

.....

Opposite Parties

Mr. A.K. Mishra

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

07.07.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State Opposite Parties.

3. The Petitioner has filed this Writ Petition seeking to quash the Order dated 08.08.2016 passed in O.A. No.1361 of 2013, by which the Odisha Administrative Tribunal, Bhubaneswar has granted leave to the State Government to take appropriate action with regard to regularization of service of the Petitioner and extension of pay scale as is applicable to other groups of employees, as it is within the domain of policy decision of the Government.

4. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State Opposite Parties contended that he has received parawise comments from the opposite parties, paragraph-5 whereof reads as follows:

“ after receipt of demands of different Association of the state inter alia Odisha Nursing Employees Association in connection with pay anomaly, Government of Odisha in Finance Department have formed Anomaly Committee to look into the Demands of the Association and examine & remove anomaly. If any, in pay. The Anomaly Committee had held discussion with the respective

Association and submitted their report to the Government in Finance Department Accordingly the Government in Finance Department have issued a Resolution dt.31.08.2016 in connection with revision of corresponding pay structure of Nursing Employees. Government in consideration to the nature of job performed by Nursing Cadre has taken timely measure to provide a reasonable pay scale with promotional aspect to the cadre. First time during the year 2013. It was decided vide Resolution dt. 26.06.2013 that all nurses on completion of 3 years of regulation service shall be upgraded to higher scale of Rs.9300-34800/- (P.B. 2) with Grade Pay of Rs. 4200/- so far their pay demand is concerned. Thus providing them to timely promotion with higher pay scale and to extend relief from being stagnated in one scale, the Nursing cadre has undergone restructure vide F.D Resolution No. 23944, Dt.31.08.2016. Thus, Government have considered and allowed benefit to the Nursing Cadre in priority basis. As regards to regularization of their service from contractual service, it is the police decision of the Government applied to all categories of Group B (G.P. Rs.4200/-). C & D employees”.

5. In view of the above, the order of the Tribunal has been complied with. So far as claim for regularization of service is concerned, since it is a matter of policy decision of the Government, it is open to the Opposite Parties to take a decision in this regard as expeditiously as possible.
6. With the above observation & direction, the Writ Petition stands disposed of.
7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE