

ORISSA HIGH COURT: CUTTACK

W.P.(C) No. 11445 of 2011

In the matter of an application under Articles 226 and 227 of the Constitution of India.

AFR

Purna Chandra Mohapatra Petitioner

-Versus-

State of Orissa and another Opp. Parties

For Petitioner : M/s. Basudev Pujari,
N. Maharana, M.R. Nayak
and S.K. Pradhan, Advocates

For Opp. Parties : Mr. A.K. Mishra,
Addl. Government Advocate.

P R E S E N T:

**THE HON'BLE DR. JUSTICE B.R.SARANGI
AND
THE HON'BLE MISS JUSTICE SAVITRI RATHO**

Date of hearing and judgment: 22.03.2022

DR. B.R. SARANGI, J. The legality and propriety of the order dated 11.08.2010 passed by the Orissa Administrative Tribunal, Bhubaneswar dismissing the O.A. No. 625 of 1998, which was filed by the petitioner seeking stepping up of his pay at par with his junior, is under challenge in the instant writ petition.

2. The petitioner, while serving as Under Secretary in Orissa Administrative Service (OAS) Class-I (Jr.), approached the Orissa Administrative Tribunal seeking stepping of up of his pay at par with his junior- Ananta Charan Mohanty, who was also serving as OAS Class-I (Jr.). The case of the petitioner, in a nutshell, is that he joined as a Lower Division Assistant in Revenue and Excise Department on 30.07.1964, whereas his junior Ananta Charan Mohanty joined as Junior Typist on 08.04.1959. Subsequently, both of them were brought over to the Gr.I Assistant Cadre in Revenue and Exercise Department during the period from 28.04.1966 to 30.06.1976. The petitioner was inducted to OAS Class-II cadre, from the cadre of Gr.I Assistant, on 09.07.1979, and promoted to OAS Class-I (Jr) with effect from 15.09.1994, whereas Shri Mohanty was inducted from the cadre of Legal Assistant to OAS Class-II cadre, on 20.06.1980, and promoted to OAS Class-I (Jr) with effect from 29.11.1994. Even though Shri Mohanty was junior to the petitioner both in OAS Class-II and OAS Class-I (Jr) cadres, but was getting higher scale of pay than the

petitioner. A comparative chart showing placement of the petitioner and Shri Mohanty in OAS Class-II and OAS Class-I (Jr) cadres and the basic salary granted to them at the entry level in both the ranks is given below:-

A. <u>Name</u>	<u>Placing in the Civil Test</u>	
	<u>O.A.S, Class-II</u>	<u>O.A.S, Class -I</u>
<u>P.C.Mohapatra</u>	327	494
<u>A.C.Mohanty</u>	329	496

B. <u>Name</u>	<u>Basic pay and scale of pay at Entry level.</u>	
	<u>Class -II</u>	<u>Class - I</u>
<u>P.C.Mohapatra</u>	Scale Rs.525-1150/-	Rs.2200-4000/-
	Basic Rs.575/-	Basic Rs. 3000/-
<u>A.C.Mohanty</u>	Basic Rs.730/-	Basic Rs. 3400/-“

2.1 The petitioner, having come to know that his junior is getting higher scale of pay than him, represented to the Government to step up his pay to the level of his junior. Since the State opposite parties sat over the matter, the petitioner consequentially moved the Orissa Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 625 of 1998 with the following prayer:-

- “(i) declare that the 4th condition in the resolution of the Govt. in Finance Dept. dt 3rd may, 1995 that the junior officer was not drawing a higher rate of pay than the senior in the low part as ultravires and violative of Article

-14 and 16(i) , 39(d) of the constitution vide annexure -3;

- (ii) direct the respondent no.1 to consider the claim of the applicant and allow him the benefit of step-up pay and differential pay than that of his junior from the date his junior was given higher pay.*
- (iii) Declare that the applicant is entitled to get the same pay as that of his junior shri Ananta Charan Mohanty from the date of entry into the O.A.S. Cadre-II*
- (iv) pass any other order (s) in favour of the applicant and in the interest of justice.”*

2.2 Opposite party No.1 filed counter affidavit before the tribunal contending that the petitioner was not entitled to get the relief sought by him. Basically, it was pleaded so on the ground that the petitioner's pay was lesser than that of Shri Mohanty before they were taken into the OAS cadre. More specifically, at paragraph-4 of the counter affidavit it was stated as follows:-

“4 That in reply to paragraph-6.3 of the original application, it is humbly submitted that it is not a fact that the applicant's pay should have been regulated at a higher scale vis-à-vis his junior in the cadre as has been averred to.

That applicant's case of stepping up of his pay in par with that of his junior is strictly to be examined in accordance with the instruction as well as conditions as stipulated in Finance Department Resolution No. 19168-F dt.3.5.1985 (Annexure -3) of the original application. The applicant does not confirm to all the conditions

stipulated in Finance Department Resolution referred to above. Had Sri Mohapatra submitted any representation earlier as has been averred to, the same would have been examined in details and communicated with necessary orders of Govt. thereon beforehand.

The fact of the case is that originally the applicant joined as L.D. Assistant in Revenue and Excise Department on 30.7.64 whereas his counterpart, Sri Ananda Charan Mohanty joined in the Department as a junior Typist on 8.4.59. His counterpart, Sri Mohanty was brought over to the Asst. Cadre of the Department on 2.12.61 as the L.D. Assistant and on 1.3.64; he was promoted to the cadre of Gr.II Assistant with his basic pay of Rs. 145/- P.M. whereas the applicant joined as the L.D. Assistant on 30.7.64 and was drawing pay of Rs.90/- only. Since then Sri Mohanty has been drawing higher pay than the applicant all along till now as would be evident from the statement which is filled as Annexure-A to this Counter. It is a fact that the applicant and his counterpart belonged to Gr.-I Assistant cadre of Revenue and Excise Department for the period from 28.4.66 to 30.6.76 wherein also Sri Mohanty was drawing higher pay than the applicant. It is also a fact that the applicant and his counterpart joined in O.A.S.II cadre against the same Recruitment year but at the time of recruitment, they both did not belong to the same Cadre. The applicant was recruited from the cadre of GR. I Asst. whereas his counterpart was born in the cadre of legal Assistant which bears higher scale of pay than the post of Gr-I Assistant and also Sri Mohanty was higher pay than the applicant for his longer period of service as well as higher scale of pay.

This being the factual aspects, the claim of the applicant, being non-existence in the eye of law not fulfilling the terms and conditions prescribed in the Finance Department Resolution referred to above, merits no consideration.”

2.3 In response to the counter affidavit filed on behalf of the State, the petitioner filed his rejoinder affidavit before the tribunal, indicating therein that one

Rama Chandra Panda, in similar circumstances, was granted stepping up of his pay since his junior was getting more pay than him. It was also pleaded that a host of others had also been granted the benefit of stepping up of pay in similar circumstances. The petitioner had also relied upon a list of such officers, which was annexed to O.A. No. 133 of 2003 (Ramesh Chandra Mishra v. State of Orissa). But the tribunal, without considering the same in proper perspective, dismissed the claim of the petitioner for granting stepping up of his pay at par with his junior, relying upon the Finance Department Resolution dated 03.05.1985. Hence, this writ petition.

3. Mr. Basudev Pujari, learned counsel appearing for the petitioner contended that the petitioner and Shri Mohanty both were brought into the OAS Class-II cadre from two different sources. The petitioner was brought from the Assistant Cadre of Revenue and Excise Department, whereas Shri Mohanty was brought from the cadre of Legal Assistant. The petitioner was inducted to

OAS Class-II cadre prior to Shri Mohanty and was placed at sl.no.327 whereas the latter was placed at sl.no.329 in the gradation list. On their promotion to OAS Class-I (Jr), in the gradation list, the petitioner got placement at sl. no. 494 and Shri Mohanty was placed at sl.no.496. The basic pay scale was granted to the petitioner as well as Shri Mohanty, at Rs.525-1150/- in OAS Class-II cadre and Rs. 2200-4000/- in OAS Class-I (Jr) cadre. Consequently, the salary of the petitioner in OAS Class-II was fixed at Rs.575/-, whereas the salary of Shri Mohanty in OAS Class-II was fixed at Rs.730/-. Thereafter, the salary of the petitioner in OAS Class-I (Jr) was fixed at Rs.3000/-, whereas the salary of Shri Mohanty in OAS Class-I (Jr) was fixed at Rs.3400/-. As a consequence thereof, it is contended that the tribunal has failed to appreciate the factual matrix and proceeded to decide the matter on a wrong premises. There may be entry into OAS Class-II cadre from different cadres, but once they joined in the OAS Class-II cadre, the pay of the senior (petitioner) has to be at par with his junior (Shri Mohanty). In subsequent promotional posts also, such

benefit should have been granted to the petitioner. It is further contended that for similarly situated employees, if such benefit has already been extended, why discrimination shall be made in respect of the petitioner, which would violate Article 14 of the Constitution of India.

4. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State opposite parties contended that the petitioner has been denied the benefit of stepping up of pay at par with his junior, taking into consideration the Finance Department Resolution dated 03.05.1985, as the petitioner has not satisfied the conditions stipulated therein. He justifies the order passed by the tribunal denying the benefit of stepping up of pay, so far as the petitioner is concerned, even though he is senior to Shri Mohanty in OAS Class-II cadre as well as in OAS Class-I (Jr) cadre. Hence, the order passed by the tribunal does not warrant interference of this Court. Therefore, he seeks for dismissal of the writ petition.

5. This Court heard Mr. Basudev Pujari, learned counsel for the petitioner, and Mr. A.K. Mishra, learned Additional Government Advocate for the State-opposite parties by hybrid mode, and perused the record. Pleadings having been exchanged between the parties, with their consent this writ petition is being disposed of finally at the stage of admission.

6. The undisputed facts, as borne out from the record, are that though the petitioner and Shri Mohanty belonged to two different cadres, but, on being promoted, they joined in OAS Class-II cadre, where the petitioner was senior to Shri Mohanty, as is evident from their placement in the gradation list, in which the petitioner was placed at sl. no. 327 and Shri Mohanty was at sl. no. 329. Subsequently, both of them got promoted to the OAS Class-I (Jr.) cadre and there also petitioner was placed in the gradation list at sl. no. 494 and Shri Mohanty was placed at sl. No. 496. There is no dispute with regard to the fact that in OAS Class-II the salary of the petitioner was fixed at Rs.575/-, whereas the salary of

the Shri Mohanty was fixed at Rs.730/-. Similarly, in OAS Class-I (Jr) the salary of the petitioner was fixed at Rs.3000/-, whereas the salary of the Shri Mohanty was fixed at Rs.3400/-. At that stage, having come to know that his junior his getting higher pay than him, the petitioner sought stepping up of his pay at par with his junior, but such benefit was denied to him relying upon the resolution of the Government of Odisha in Finance Department dated 03.05.1985.

7. For a just and proper adjudication of the case, the resolution dated 03.05.1985 of the Government of Odisha in Finance Department is extracted hereunder:-

"No. CS-I-80/85. 19168 /F.
GOVERNMENT OF ORISSA
FINANCE DEPARTMENT

...
RESOLUTION.

Dated, the 3 Bhubaneswar, May 1985.

Subject: STEPPING UP OF PAY OF THE SENIOR OFFICER
TO THAT OF HIS JUNIOR – INSTRUCTION
REGARDING

Ref. Resolution

- i) No. 8353, CS-I-18/68/F., dt 16th March, 1698.
- ii) No. CS-I-6/75-20741/F., dt.26th May, 1975.
- iii) No. CS-I -6/75-18728-F., dt 14th April, 1976.
- iv) No. 41665-CS- I/31/78/ F., dt. 29th July,1978.

In the supersession of all circulars and instructions on the subject and In line with the instruction issued in this regard by the Government of India, the Governor, has been pleased to decide that

the benefit of stepping up of pay should be allowed to the Senior only in the case of promotion to the higher post for removing the anomalies on account of fixation of pay under Rule, 47(b) or (c) of the O.S.C Where a Senior Government Servant promoted or appointed to a higher post, draws less pay in that post than his junior who was promoted or appointed to the higher post subsequently, the pay of the Senior Officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior in that higher post. Steeping up of pay should be done with effect from the date of the promotion or appointment of the Junior Officer to the higher posts that is, from the date on which he actually got the pay of the higher post than his Senior and should be subject to the following condition.-

- a) Both the Junior and Senior Officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical in the same cadre.*
- b) The scales of pay of the lower and higher posts, in which they are entitled to draw pay should be identical.*
- c) The Senior Officer is senior to the Junior Officer both in the lower post as well as in the higher post.*
- d) The Junior Officer was not drawing a higher rate of pay than the senior in the lower post.*

2. Fixation of pay relating to step up would be made under Rule 80 of the O.S.C and when stepping up would be allowed the dates of increment as fixed in the case of junior Officer will also be the dates of increment of the Senior Officer. All pending cases shall be decided in accordance with the above instruction.

3. The above instructions will come into force with immediate effect

ORDER- Ordered that the Resolution be published in the next issue of the Orissa Gazette for general information.

*BY ORDER OF THE GOVERNOR
R.K.BHUJABAL
SECRETARY TO GOVERNMENT.*

Memo No. 19169(157)/ F. Dated. 3.5.85

Copy forwarded to All Departments of Government and Others.

*Sd/-
JOINT SECRETARY TO GOVERNMENT.*

*Government of Orissa
Revenue & Excise Department.*

*Memo No. 25903/-RE, Dated .16/5/85
RVE (B) 360/ 85 (pt.)*

Copy forwarded to all Branches/Guard File (with 5 spare copies) for information and necessary action.

*Sd/-
Under Secretary to Government.*

8. On perusal of the resolution, as extracted hereinbefore, it is made clear that the benefit of stepping up of pay shall be allowed to the senior only in the case of promotion to the higher post for removing the anomalies on account of fixation of pay under Rule-74(b) or (c) of the O.S.C. subject to the conditions mentioned in sub-clauses (a) to (d). As per sub-clause (a), both the junior and senior officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical in the same cadre. In this case, although the petitioner and Shri Mohanty had belonged to two different cadres, but, when they were promoted to OAS Class-II cadre, they belonged to same cadre and their posts were identical, and undisputedly the petitioner was senior to Shri Mohanty in the gradation list having placement at sl. no. 327 and sl. No. 329 respectively. Subsequently, both of them were promoted to the cadre of OAS Class-I (Jr.)

having their placement in the gradation list at sl.no. 494 and sl. No. 496 respectively and in the said cadre also the petitioner was senior to Shri Mohanty. Therefore, sub-clause (a) of the resolution is satisfied. According to sub-clause (b), the scales of pay of the lower and higher posts, in which they are entitled to draw pay, should be identical. To that extent, there is no dispute that scales of pay of OAS Class-II and OAS Class-I (Jr) are identical to each other and accordingly the petitioner's scale of pay was fixed in terms of said scales of pay in the respective cadre. The petitioner has satisfied this condition to be eligible to get the benefit of stepping up of pay. As per sub-clause (c), the Senior Officer is senior to the Junior Officer both in the lower post as well as in the higher post. In the case at hand, the petitioner is senior to Shri Mohanty both in the lower post, i.e. OAS Class-II and also in the next promotional higher post, i.e. OAS Class-I (Jr). Hence, the petitioner has fulfilled this condition also. But so far as sub-clause (d) is concerned, the junior officer must not draw higher rate of pay than the senior. But, here in this case, in the lower post, Shri Mohanty, being

the junior officer, was drawing higher rate of pay than the senior officer, viz., the petitioner. It is this condition, i.e., sub-clause (d), which was apparently not found in favour of the petitioner by the tribunal in the impugned judgment.

9. It is of relevance to note, this fact was not disputed by the petitioner. In the rejoinder affidavit filed before the tribunal, the petitioner had specifically mentioned that the State opposite parties had allowed one Rama Chandra Panda, OAS (I) Retd. to step up his pay at par with his junior Md. A. A. Khan, who was drawing higher pay from time to time in the lower post/cadre vide Rev. Dept. order No. 40992/R dated 1.9.1990. Apart from that, the opposite parties had also allowed a number of OAS officers to step up pay at par with their juniors, who were drawing higher pay from time to time in lower post/cadre. A list of such officers had also been annexed to O.A. No. 133 of 2003 (Ramesh Chandra Mishra vrs. State of Orissa) as Annexure-25, which had not been disputed by the State opposite parties, who were also the opposite

parties in the said Original Application. But the tribunal on erroneous appreciation of the fact and referring to the Finance Department Resolution dated 03.05.1985, as mentioned above, came to a finding that the petitioner was unable to produce any concrete case in which the pay of senior was stepped up with reference to the pay of the junior under similar circumstances. Thereby, the stand taken by the petitioner in his rejoinder affidavit has also not been considered by the tribunal, which amounts to non-application of mind. The tribunal reached an erroneous finding in the order itself. Though the tribunal relied upon the factual matrix as delineated above, but observed that the petitioner has not fulfilled the condition necessary for stepping up of the pay as laid down in Finance Department Resolution dated 03.05.1985. The tribunal has not appreciated the fact in its proper perspective inasmuch as the Finance Department Resolution dated 03.05.1985 is fully applicable to the petitioner as both the petitioner and Shri Mohanty, who is admittedly junior to the petitioner, belong to the same cadre of OAS Class-II and subsequently promoted to OAS

Class-I (Jr) and their appointment is identical in the same cadre.

10. Rule-11 of the Orissa Service Code states that cadre means, strength of service or part of service sanctioned as a separate unit. Therefore, the petitioner and Shri Mohanty, who was junior to the petitioner, both belonging to OAS Class-II cadre, become the strength of service or part of service sanctioned as a separate unit. More so, their scale of pay in lower or higher post in which they entitled to draw pay should be identical. More specifically, the petitioner is a senior officer and senior to his junior officer Shri Mohanty both in the lower post, i.e. OAS Class-II as well as in the higher post, i.e. OAS Class-I (Jr). But the junior officer Shri Mohanty was drawing higher rate of pay than that of the pay of the petitioner. Therefore, the petitioner prayed for stepping up of his pay, which is well in consonance of the resolution dated 03.05.1985. The tribunal's finding is that the petitioner does not fulfill the 4th condition of the resolution dated 03.05.1985, meaning thereby, the junior to the petitioner,

Shri Mohanty was getting higher rate of pay than that of the petitioner, in the lower post, i.e., OAS Class-II.

11. It is trite-law that if no specific definition has been given to a word or phrase in the Act, then the meaning attached to the same in the dictionary is to be taken as external aid for interpretation of the same.

12. In **Coca-Cola Company of Canada Ltd. v. Pepsi-Cola Company of Canada Ltd.**, AIR 1942 PC 40, it has been clearly held that dictionaries could always be referred to in order to ascertain not only the meaning of the word, but also the general use of it.

13. In **Mangoo Singh v. Election Tribunal**, AIR 1957 SC 871, the apex Court held as follows:-

“We have been referred to several meanings of the word 'demand' in standard English dictionaries and law lexicons. When the context makes the meaning of a word quite clear, it becomes unnecessary to search for and select a particular meaning out of the diverse meanings a word is capable of, according to lexicographers. It is sufficient for our purpose to state that even in standard dictionaries and law lexicons, it is well recognised that the word 'demand' may mean simply a 'claim or 'due', without importing any further meaning of calling upon the person liable to pay the claim or due.”

14. Similar view has also been taken by the apex Court in **Workmen v. Management, D.T.E.**, AIR 1958 SC 353; **Ramavatar v. Asstt. STO**, AIR 1961 SC 1325 and **Sk. Gulfan v. Sanat Kumar**, AIR 1965 SC 1839.

15. In **South Bihar Sugar Mills Ltd. v. Union of India**, AIR 1968 SC 922, the apex Court held, if the Act does not define a word, the Legislature must be taken to have used that word in its ordinary dictionary meaning.

16. In **CWT v. Officer-in-Charge (Court of Wards)**, (1976) 3 SCC 864, the dispute was whether the several lands held by the respondent were “agricultural lands” and hence excluded from the definition of “assets” given in Section 2 (e) of the Wealth Tax Act, 1957. The apex Court held:

“Agricultural land” is a species of land. It must be land which could be said to be either actually used or ordinarily used or meant to be used for agricultural purposes. In other words, “agricultural land” must have a connection with an agricultural user or purpose. It is on the nature of user that the meanings of “agricultural purpose” and “agriculture” becomes relevant. It is true that, in Raja Benoy Kumar Sahas Roy's case (supra), this Court pointed out that meanings of words used in Acts of Parliament are not necessarily to be gathered from dictionaries which are not authorities on what Parliament must have meant. Nevertheless, it was also indicated there that, where there is nothing better to rely upon, dictionaries may be used as an aid to resolve an

ambiguity. The ordinary dictionary meaning cannot be discarded simply because it is given in a dictionary. To do that would be to destroy the literal rule of interpretation. This is a basic rule relying upon the ordinary dictionary meaning which, in the absence of some overriding or special reasons to justify a departure, must prevail."

17. In **State of Orissa v. Titaghur Paper Mills Co. Ltd.**, 1985 Supp SCC 280, the apex Court held as follows:-

"The dictionary meaning of a word cannot be looked at where that word has been statutorily defined or judicially interpreted but where there is no such definition or interpretation, the court may take the aid of dictionaries to ascertain the meaning of a word in common parlance. In doing so the court must bear in mind that a word is used in different senses according to its context and a dictionary gives all the meanings of a word and the court, therefore have to select the particular meaning which would be relevant to the context in which it has to interpret that word.

18. In view of the law laid down by the apex Court, as discussed above, "stepping up" of pay having not been defined in the Act and the rules itself, the ordinary meaning prescribed in the dictionary has to be taken into consideration to come to a conclusion. Therefore, the ordinary meaning attached to the word "step up", as derived from the various dictionaries, are quoted herein below:-

*"According to **Merriam Webster** dictionary, "step up" means to increase, augment, or advance especially by one or more steps.*

As per **Britannica dictionary**, “step up” means an increase in size or amount.

In **Collins English Dictionary**, the word “step up” has been defined as, “If you step up something, you increase it or increase its intensity.

The word “step up” in **American English Dictionary** means as follows:-

- a. To raise or increase by degrees to step up production.
- b. To be promoted; advance
- c. To make progress; improve”

In the **Free Dictionary**, “step up” means

1. To increase, especially in stages: step up production
2. To come forward: step up and be counted.”

19. In view of the aforesaid meaning attached to the words “stepping up of the pay” and applying the same to the factual matrix of the case in hand, there is no iota of doubt that the principle has already been set up by the apex court in **Gurcharan Singh Grewal v. Punjab SEB**, (2009) 3 SCC 94, wherein the apex Court has held that the general norm is that a senior cannot be paid less than his junior even if anomaly in senior’s pay is due to difference of incremental benefits. His pay has to be stepped up with reference to higher pay of the junior.

20. Apart from the above, the stand taken by the petitioner that so far as similarly situated persons are concerned, the State had allowed one Rama Chandra Panda, OAS (I) Retd. to step up his pay at par with that of his junior Md.A.A.Khan, who was drawing higher pay from time to time in the lower post/ cadre vide Revenue Department order No. 40992/R dated 1.9.1990. Besides him, the opposite parties had also allowed a number of OAS officers to step up pay at par with their juniors, who were drawing higher pay from time to time in lower post/ cadre. A list of such officers had also been annexed to O.A. No. 133 of 2003 (Ramesh Chandra Mishra vrs. State of Orissa) as Annexure-25, which had not been disputed by the State opposite parties. Thereby, there is discrimination with regard to extension of similar benefits to the petitioner, which violates Article 14 of the Constitution of India. And as such, the tribunal has not dealt with such part of the contention raised by the petitioner while passing the impugned order. Thereby, there is non-application of mind by the tribunal while passing such order. As the undisputed fact is that the

junior to the petitioner, namely, Shri A.C. Mohanty was drawing higher pay in OAS Class-II cadre, before being promoted to OAS Class-I (Jr) cadre, therefore, the petitioner ought to have asked for stepping up of his pay much earlier when both of them were continuing in OAS Class-II cadre itself. Having not done so and making such a claim after being promoted to OAS Class-I (Jr.) cadre, the stand has been taken by the State that it is hit by the principle of waiver and also limitation, as has been prescribed under the Administrative Tribunals Act 1985. When discrimination has been meted out to the petitioner, the principle of waiver or limitation, as stated in the counter affidavit filed by the State, has no meaning, in view of the fact admittedly a junior to the petitioner is receiving higher pay than that of the petitioner.

21. Keeping in view the judgments of the apex Court, as mentioned above, and also by applying the provisions of Article 14 of the Constitution of India, this Court is of the opinion that the petitioner is entitled to get the benefit of stepping up of pay at par with his junior

Shri A.C. Mohanty from the date he was inducted to OAS Class-II, i.e. from 20.06.1980 and the pay scale of the petitioner should be revised accordingly and he should be granted differential arrear benefits, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgment. The opposite parties are directed accordingly.

22. Consequentially, the order dated 11.08.2010 passed by the Orissa Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 625 of 1998 cannot sustain in the eye of law and same is liable to be quashed and, hereby quashed. The writ petition is accordingly allowed. No order as to costs.

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DR. B.R. SARANGI,
JUDGE

SAVITRI RATHO, J. I agree

.....
SAVITRI RATHO,
JUDGE

Orissa High Court, Cuttack
The 22nd March, 2022, Arun/GDS