

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2210 of 2016

Santosh Kumar Si

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Petitioner

Mr. R.K.Bisoi, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

State counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.08.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. R.K. Bisoi, learned counsel appearing 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 office order dated 23.08.2016 and Corrigendum dated 23.08.2016 under Annexures-5 & 6 respectively issued by the Director of Treasuries & Inspection, Odisha, Bhubaneswar, pursuant to Finance Department Letter No.23679/F dated 06.12.2014 and clarification issued thereon vide Finance Department Letter No.5293/F dated 04.03.2015.

4. Mr. R.K. Bisoi, learned counsel appearing for the petitioner contended that pursuant to the notice issued, opposite parties no.1 & 2 filed counter affidavit stating therein that Finance Department Letter No.34555 dated 22.12.2016 has clarified that different categories of contractual employees, who were drawing pay as per

Finance Department Letter No.40545/F dated 29.08.2009, the Grade Pay attached to the revised scale of pay shall also be counted towards determination of monthly consolidated remuneration irrespective of their mode of engagement from December, 2016. Thereby, the Office Order dated 23.08.2016 under Annexures-5 & 6 issued by the Directorate of Treasuries & Inspection, Odisha cannot have any application and the same is liable to be quashed.

5. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State Opposite Parties, on the basis of counter affidavit, contended that Finance Department in its Letter No.33679/F dated 6.12.2014 had allowed Grade Pay in respect of contractual employees, who were receiving remuneration as per the stipulations made vide Finance Department Letter No.40545/F dated 29.8.2009, wherein it was provided that the minimum pay of the corresponding post in the revised scale of pay in the corresponding pay band, as indicated in Column-5 of the 1st Schedule of OSRP Rules, 2008, notified vide SRO No.638/2008 dated 24.12.2008, shall henceforth be applicable as contractual remuneration to the contractual appointees engaged in different departments of Government. Subsequently, it was clarified by Finance Department Letter No.5293/F dated 4.3.2015 that counting of Grade Pay along with minimum of the corresponding pay band of a particular post is applicable only to such contractual appointees, who have been engaged against sanctioned post following due procedure of selection and ORV Act prior to 12.11.2013. Thereby, the petitioner is not eligible to get the Grade Pay.

6. Having heard learned counsel for the parties and after going

through the records, there is no dispute that the petitioner was allowed Grade Pay and the same was withdrawn by the Directorate of Treasuries and Inspection, Odisha vide Annexure-5 and subsequent clarification issued on the very same day under Annexure-6 dated 23.08.2016. But in paragraph-5 of the counter affidavit it is stated that the Government in Finance Department Letter No.34555 dated 22.12.2016 clarified that different categories of contractual employees, who were drawing pay as per Finance Department Letter No.40545/F dated 29.08.2009 the Grade Pay attached to the revised scale of pay shall also be counted towards determination of monthly consolidated remuneration irrespective of their mode of engagement from December, 2016.

7. In view of such position, since the Finance Department has already clarified that different categories of contractual employees, who were drawing pay as per Finance Department Letter No.40545/F dated 29.08.2009, the Grade Pay attached to the revised scale of pay is also admissible, the Office Order under Annexure-5 dated 23.08.2016 and subsequent Corrigendum issued under Annexure-6 are liable to be quashed and the same are hereby quashed. Accordingly, the petitioner is entitled to get Grade Pay, in view of Finance Department Letter No.34555 dated 22.12.2016.

8. The writ petition stands disposed of accordingly.

(DR. B.R. SARANGI)
JUDGE