

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1386 of 2014

Smruti Ranjan Bal

....

Petitioner

Mr. D.K. Panda, Advocate

-Versus -

State of Odisha & Others

....

Opposite Parties

Mr. N.K. Praharaj, Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.07.2022

Order No.
05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Govt. Advocate for the State
3. The petitioner has approached this court seeking following relief:

"In view of the facts stated in Para-6 the applicant prays that the Hon'ble Tribunal may graciously be pleased to direct the respondents, more particularly the respondent no.1 to send the proposal of revision of scale of pay attached to the post of Filaria/Malaria Inspector making it par with the scale of pay attached to the post of MPHS (M) i.e., 9300-34800 + G.P. 4200 to the respondent no.3 to be placed before the anomaly committee;

And further be pleased to direct the respondent no.3 to grant the scale of pay of Rs.9300-34800 +G.P. 4200 in light of the revision made in favour of the MPHS (M), who were enjoying the same scale of pay as was enjoyed by the Filaria/Malaria Inspector."

4. It is submitted that as per Resolution passed by Government in Finance Department dated 27.06.2011, the State Government on the recommendation of the Anomaly Committee ordered revision of the pay scale of Multi Purpose Health Supervisor (Male) from Rs.5200-20200 + G.P.2400/- to Rs.9300-34800+GP 4200/- at par with the pay scale of Multi Purpose Health

Supervisor (Female). The Orissa Malaria & Filaria Field Employees' Association by their representation addressed to the Commissioner-cum-Secretary, Govt. of Odisha, Health and Family Welfare Department, Bhubaneswar prayed for consideration of their grievance to merge the Filaria Inspector and Malaria Inspector into the cadre of Multi Purpose Health Supervisor (Male). Subsequently, the Director of Health Services, Odisha vide letter dated 23.05.2012 proposed to the Government for rationalization of the pay scale of Filaria/Malaria Inspector with that of MPHS (M) and requested for recommending the proposal of Filaria Inspector to the Anomaly Committee for necessary consideration. A comparison statement between Filaria Inspector and Multi Purpose Health Supervisor (Male) was also enclosed to the said letter. It appears that the Government sought for certain instructions on the proposal vide letter dated 19.11.2012. The matter remained as such till 16.11.2013. There was some inter se correspondence between the Director of Health Services and Government in this regard. Eventually vide letter dated 18.08.2014, the Director of Health Services, Odisha referring to his earlier letter dated 23.05.2012 requested the Government to rationalize the pay scale of Filaria Inspector/Malaria Inspector with that of MPHS (M) and to recommend the case to Anomaly Committee. It is stated at the bar that no action whatsoever has yet been taken on such proposal of the Director.

5. In the counter affidavit filed by the Government it is stated that the post of MPHS(M) is a promotional post being filled up from amongst MPHWS(M), whereas the post of Filaria Inspector is also a promotional post which is being filled up by way of

promotion from the post of Superior Field Worker and Malaria Supervisor. There is difference in the pay scale of MPHS(M) and Superior Field Worker and Malaria Supervisors. Hence the promotional posts of MPHS(M) and Filariasis Inspector under different schemes could not be merged.

6. Considering the contentions raised by learned counsel for the parties, this Court is of the view that since it is for the Government to take a decision in the matter at the first instance. Therefore, without entering into the merits of the case, the writ petition is disposed of with a direction to opposite party no.1 to take a decision on the letter dated 18.08.2014 of the Director of Health Service as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order or on production of certified copy thereof by the petitioner.

7. Writ petition is disposed of accordingly.

8. Issue urgent certified copy as per Rules.

(Sashikanta Mishra)
Judge

A.K. Rana