IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 29919 of 2024

Simanti Naik .... ***Petitioner***

Mr. Sukanta Kumar Mishra, Advocate

-versus-

State of Orissa and Others .... ***Opp. Parties***

Mr. Debasish Nayak, AGA

CORAM:
THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

Order No. **07.12.2024**

01. 1. Heard Mr. S.K. Mishra, learned counsel for the Petitioner and Mr. D. Nayak, learned Addl. Govt. Advocate for the State.

2. By means of this writ application, the Petitioner seeks the following reliefs –

> "to direct the opposite parties to count the service period of the petitioner from 03.12.2013 to 06.12.2019, i.e. from the initial date of entry into service, so as to enable her to be placed in a correct position in the gradation list prepared for MPHW (F) Level-II for promotion to the post of MPHW (F) Level-I and to extend her the Grade Pay and other consequential service and financial benefits as per recommendation made by the opposite party no.3 to the

Opposite Party No.2 in response to the order of the Opposite Party No.1."

3. It is contended by the learned counsel for the Petitioner that, an advertisement was published on 27.06.2013 by the CDMO, Keonjhar to fill up 82 posts of MPHW (F) including other posts. Pursuant to the said advertisement, the Petitioner applied for the post of MPHW (F) and accordingly a selection test was conducted on 22.10.2013. The CDMO, Keonjhar, i.e. Opp.Party No.3 vide its order dated 03.12.2013 appointed the Petitioner on contractual basis with the consolidated pay of Rs.5200/- and she was posted at Kalanda Sub Centre under Banspal CHC and she joined the post on 10.12.2013 and has been discharging her duties as such. It is the further contention of the learned counsel that, pursuant to the G.A. Department Resolution No.1066/GEN dated 16.01.2014 read with Resolution No.26108/GEN dated 17.09.2013, the Govt. with the advice of a High Power Committee held on 18.03.2023 regularized the Petitioner in service with effect from 07.12.2019. While the matter stood thus, in order to fill up the promotional post of MPHW(F), Level-I in respect of Keonjhar district against the 220 nos. of sanctioned promotional posts, the CDM & PHO, Keonjhar circulated a Provisional Gradation List of MPHW (F), Level-II as on 01.08.2024 vide letter dated 23.08.2024 by inviting objection from the MPHW (F) through the Superintendents of different CHC(s) and other subordinate offices. Even though in the forwarding letter of the impugned provisional gradation list of MPHW (F), Level-II dated 23.08.2024 it has been specifically

mentioned that the said gradation list has been prepared in respect of the regular MPHW(F)s by taking into account their date of joining as MPHW(F), but on perusal of the same it transpires that the names of the Petitioner along with her batch mates, those who have been appointed in one appointment order, have been placed above the Petitioner in the Gradation List by taking into consideration their initial date of appointment/joining, whereas in the case of the Petitioner her entry into service has been taken into consideration only from the date of her regularization i.e. 07.12.2019.

4. It is also contended by the learned counsel for the Petitioner that, in connection with the matter, the Government vide letter dated 14.03.2019 under Annexure-13 wrote to the Director, Health & Family Welfare, Odisha, Bhubaneswar (Opp.Party No.2) requesting to furnish detailed report to consider the proposal for providing Grade Pay to the Contractual Paramedics MPHWs. Pursuant to the said letter, the Director, Health & Family Welfare, Odisha in its letter dated 03.04.2019 directed all the CDM & PHOs to furnish pointwise information for consideration of the proposal for providing Grade Pay to the Contractual Paramedics MPHWs, vide Annexure-14. The CDM & PHOs vide order dated 02.05.2019 under Annexure-15 also got back to the Director of Health & Family Welfare, Odisha in compliance of the said letter. But, till date the aforesaid instruction has not been carried out by the Government.

5. Keeping in view the aforesaid submission of the learned counsel for the Petitioner, since the matter is lying over with the authorities concerned since 2019 and the Petitioner has not been favoured with the benefit thereof, while other persons in the same footing have already been benefited, it is directed that the aforesaid official instructions be carried out by Opposite Party No.1 at the earliest, as would be applicable to the Petitioner, within a period not later than two months from today and the same be communicated to the Petitioner within two weeks thereafter. However, it is made clear that this Court is not expressing any opinion on merit of the application.

6. The Writ Petition is accordingly disposed of.

(Chittaranjan Dash)
Judge

AKPradhan

Signature Not Verified
Digitally Signed
Signed by: ANANTA KUMAR PRADHAN
Designation: Sr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 10-Dec-2024 10:57:53