IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10336 of 2024

CNR No.ODHC010303652024

Swapna Sekhar Das .... ***Petitioner***

Mr. B. Sahoo, Advocate

-versus-

Registrar Co-operative Societies, BBSR & Ors. .... ***Opposite Parties***

Mr. C.K. Pradhan, AGA

Mr. A.K. Rath, Adv. for O.P.2

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
04.11.2026

Order No.

06. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. Petitioner has filed the present Writ Petition *inter alia* with the following prayer:-

> *"It is therefore prayed that this Hon'ble court may graciously be pleased to;*
>
> *i. Admit and allow the writ petition of the petitioner and issue notice to the Opp. Parties;*
>
> *ii. After hearing the parties to quash/ set-aside the order dated 23.06.2023 of Learned RCS Odisha in compliance of the order No.1 dated 04.01.2023 of Hon'ble High Court of Orissa passed in W.P.(C) No.36341 of 2022 under Anenxure-7.*
>
> *iii. Direction may be issued to the Opp. Parties to extend the benefits of ACP/RACP in favour of petitioner on 06.06.1993, on 06.06.2003, on 06.06.2013 with grade*

pay Rs.2,800/-, Rs.4,200/- & Rs.4,600/- within time limit.

iv. The Hon'ble Court may issue direction to the Opp. Parties to extend benefit of RACP & MACP in favour of the petitioner considering total service period of 34 years taking into the order RCS Odisha under Annexure-8, 9, 10 & 11.

AND

V. To pass such other orders / directions as deemed fit and proper.

And for this act of kindness the petitioner shall remain duty bound ever pray."

4. It is contended that Petitioner though continued under the Opposite Party-Bank for the period from 06.06.1983 to 31.10.2016 without availing any benefit of promotion, but he was not extended with the benefit of grade pay in terms of the Resolution issued by the Finance Department on 06.02.2013 under Annexure-4. Claiming such benefit, Petitioner when approached this Court and this Court directed for its consideration, the same was rejected by Opposite Party No.1 vide order dtd.12.02.2021.

4.1. It is contended that challenging order dtd.12.02.2021, Petitioner again approached this Court in W.P.(C) No.36341 of 2022. This Court while disposing the Writ Petition vide order dtd.04.01.2023 with quashing of the impugned rejection dtd.12.02.2021, directed Opposite Party No.1 to take a fresh decision on the Petitioner's claim. This Court also

came to a finding that Petitioner has been discriminated so far as release of grade pay is concerned.

4.2. It is contended that without proper appreciation of the order passed by this Court in the earlier Writ Petition under Annexure-6, claim of the Petitioner was again rejected vide the impugned order dtd.23.06.2023 under Annexure-7 relying on the order passed by the Registrar on 02.08.2019 under Annexure-8 and further order passed on 29.11.2019 under Annexure-12.

4.3. While assailing the impugned rejection, learned counsel appearing for the Petitioner contended that as per order dtd.02.08.2019 and 29.11.2019 under Annexures-8 and 12 so issued by Opposite Party No.1, though employees working in the cadre of Banking Assistant-A were held eligible to get the benefit of grade pay, but with the condition that the same will be made applicable from the date concerned Central Co-operative Bank allows the benefit of 7th Pay in favour of its employees.

4.4. It is however contended that benefit of 7th pay was allowed in favour of the employees of Central Co-operative Bank by the Registrar-Opposite Party No.1 vide his communication dtd.27.02.2024 under Annexure-16 w.e.f. 01.01.2016.

4.5. It is contended that in terms of the communication issued by the Opposite Party No.1 on 27.02.2024 under Annexure-16, employees working under the Opposite Party-Bank were allowed with the benefit of 7th pay w.e.f. 01.01.2016 and Petitioner was extended with the differential salary w.e.f. 01.01.2016. However, benefit of grade pay was not allowed on the face of the order passed by this Court under Annexure-6. Petitioner's claim was however rejected vide the impugned order under Annexure-7, relying on the order passed by the Registrar-Opposite Party No.1 on 02.08.2019 under Annexure-8 and further order passed on 29.11.2019 under Annexure-12.

4.6. It is contended that since claim of the Petitioner to get the benefit of grade pay was rejected relying on the order issued under Annexures-8 and 12 so issued with the condition that benefit of grade pay cannot be allowed, unless and until the employees of the Opposite Party-Bank are allowed with the benefit of 7th pay, and such benefit of 7th pay w.e.f. 01.01.2016 was allowed by Opposite Party No.1 vide his communication dtd.27.02.2024 under Annexure-16, the ground on which Petitioner's claim has been rejected vide the impugned order dtd.23.06.2023 under Annexure-7 is no more sustainable in the eye of law.

4.7. It is accordingly contended that with quashing of the impugned order and the fact that benefit of 7th pay was allowed in favour of the employees of the Opposite Party-Bank w.e.f. 01.01.2016, Petitioner is also entitled to get the benefit of grade pay as due and admissible in terms of the Resolution issued by the Finance Department on 06.02.2013 under Annexure-4.

5. Mr. C.K. Pradhan, learned Addl. Government Advocate for the State on the other hand while supporting the impugned order contended that, since benefit of 7th pay was allowed w.e.f. 01.01.2016 only with issuance of the communication dtd.27.02.2024 under Annexure-16 and claim of the Petitioner had already been rejected basing on the orders issued on 02.08.2019 and 29.11.2019 under Annexures-8 and 12 on 23.06.2023 under Annexure-7, no illegality or irregularity can be found with the impugned rejection.

6. Mr. A.K. Rath, learned counsel appearing for the Opposite Party-Bank on the other hand fairly contended that in terms of the order issued on 27.02.2024 under Annexure-16, employees of the Opposite Party-Bank have been extended with the benefit of 7th pay w.e.f. 01.01.2016 including that of the Petitioner.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, it is

found that claim of the Petitioner to get the benefit of grade pay was rejected vide the impugned order dtd.23.06.2023 of Opposite Party No.1 under Annexure-7, relying on the orders issued by the self-same Opposite Party No.1 on 02.08.2019 under Annexure-8 and 29.11.2019 under Annexure-12.

7.1. As found, both the orders under Annexures-8 and 12 were issued allowing the claim of the employees of the Opposite Party-Bank to get the benefit of grade pay with the condition that it will take effect from the date benefit of 7th pay will be extended in favour of the employees.

7.2. However, it is found that benefit of 7th pay has been extended in favour of the employees of the Opposite Party-Bank w.e.f. 01.01.2016, in terms of the communication issued by Opposite Party No.1 on 27.02.2024 under Annexure-16.

7.3. Since the benefit of 7th pay was extended w.e.f.01.01.2016 with issuance of the communication dtd.27.02.2024 under Annexure-16, it is the view of this Court that rejection of the Petitioner's claim relying on the order issued by Opposite Party No.1 on 02.08.2019 under Annexure-8 and 29.11.2019 under Annexure-12, is no more sustainable in the eye of law.

7.4. Therefore, this Court while quashing order dtd.23.06.2023 under Annexure-7, directs Opposite Party No.1 to take a fresh decision on the Petitioner's claim taking into account the fact that the employees of the Opposite Party-Bank have been extended with the benefit of 7th pay w.e.f. 01.01.2016. This Court directs Opposite Party No.1 to take a fresh lawful decision as expeditiously as possibly preferably within a period of two (2) months from the date of receipt of this order.

7.5. If on such consideration, Petitioner will be held entitled to get the benefit of grade pay as due and admissible, consequential follow up action be taken.

8. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified
Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 15:20:47