IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.31869 of 2026
CNR No. ODHC010737672026

Sailabala Mohapatra …. **Petitioner**
Mr. P.C.Mahapatra, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**
Mr. P.K.Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
04.11.2026

Order No.

01. 1. Heard Mr. Mahapatra, learned counsel for the petitioner and Mr. Parhi, learned ASC for the State.

2. Instant writ petition is filed by the petitioner challenging the impugned orders at Annexures-4 & 5 whereby there has been reduction/modification of pay and grade pay and followed by a decision to recover the excess payment and further to direct opposite party Nos.1,3 & 4 to restore her pay and grade pay @ Rs.6600/-as 3rd RACP w.e.f. 4th January, 2013 as sanctioned earlier vide Anenxure-3 with all other consequential benefits such as re-fixation of pay in accordance with ORSP Rules, 2008 & 2017 and subsequent revision of pension and pensionary benefits as due and admissible in the interest of justice.

3. Mr. Mahapatra, learned counsel submits that the petitioner retired on 31st October, 2016 referring to Annexure-2 and claims that grade pay of Rs. 6,600/- was allowed as made to reveal from Annexure-3 but it has been discontinued vide Annexures-4&5. The further submission is that the petitioner's case is governed by the Resolution dated 13th February, 2025 at Annexure-8. Further submission is that the petitioner's representations as per Annexures-9&11 are still pending consideration. The submission is that in view of the letter dated 12th May, 2026 of the Collectorate, Gajapati-Paralakhemundi as at Annexure-12, the petitioner is entitled to a grade pay of Rs. 6600/- w.e.f. 4th January, 2013 i.e. the date from which revision of 3rd RACP was to be allowed in pursuance of Para No.4 (B) III of Resolution No. 5073 dated 13th February, 2025 as at Annexure-8. A reference is made to the decision of the Apex Court in the SLP disposed of by order dated 9th September, 2025 at Annexure-13 to submit that the petitioner is eligible and entitled to such a grade pay and hence, necessary direction may perhaps be issued to the Government in that regard.

4. Recorded the submission of Mr. Parhi, learned ASC for the State.

5. As earlier stated, the petitioner retired in the year 2016. This Court finds from Annexure-3 that grade pay of Rs.6600/- was allowed in favour of the petitioner but it was followed by a reduction vide Annexures-4 & 5. But in view of

Annexure-12 with a proposal for a grade pay of Rs.6600/- referring to the Resolution of the Government as at Annexure-8, such a demand is made and according to Mr. Mahapatra, learned counsel, the same is permissible in view of the decision of the Apex Court at Annexure-13. Considering the above facts pleaded on record and submissions of learned counsel for the respective parties and having regard to the notification at Annexure-8 and the decision at Annexure-13 with a proposal in terms of Annexure-12 referring to such resolution dated 13th February,2025 of the Finance Department, Government of Odisha, this Court is inclined to direct opposite party No.1 to consider restoration of the grade pay @ Rs.6600/-and modification of the pay accordingly followed by a revision of pension and pensionary benefits of the petitioner and to pass appropriate order thereon at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, it is directed.

7. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.1 soon after receiving representation from the petitioner within a period of three weeks to begin from today. It is further directed that upon receipt of the representation from the petitioner, opposite party No.1 shall deal with the same and dispose it of complying the directions hereinabove followed by

an order within the above stipulated period keeping in view the discussion and observations made hereinabove. As a necessary corollary, the impugned decision vide Annexures-4 & 5 is hereby set aside.

8. Issue urgent copy of this order as per rules.

(R.K. Pattanaik)
Judge

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Reason: Authentication
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