

GOVERNMENT OF ODISHA

FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

OFFICE ORDER

Bhubaneswar dated the 09.08.23

No. FE-FE2-CASE-0079-2022 16934 /FE&CC; Whereas Smt. Sujata Rani Sahu, Sociologist (Retd.), O/o the PCCF & HoFF, Odisha was allowed to avail Grade Pay of Rs. 6600/- in the scale of pay Rs. 9300 - 34,800/- in PB-2 w.e.f. 01.01.2013 under RACP vide this Department Office Order number 16759/F&E dtd. 11.09.2014.

And whereas, Smt. Sahu filed an OA. No. 416/2015 praying for the following prayer:

"To direct the respondent no.1 to issue a revised order of Annexure-5 by granting the 2nd financial upgradation on completion of 20 years of service pay in scale of Rs.15,600/- to Rs.39,100/- with Grade pay of Rs.6,600/- instead of pay scale of Rs.9,300/- to Rs. 34,800/-with Grade pay of Rs. 6,600/- and to grant all consequential service benefits within a stipulated time period."

And whereas, the case of Smt. Sahu was referred to the Finance Department wherein the A/D was advised to fix the pay of Smt. Sahu in the Scale of Pay Rs. 9300-34,800/- in PB-2 with GP of Rs. 5400/- w.e.f. 01.01.2013 under RACP. As such, the same was implemented vide this Department Office Order No. 20320/F&E dtd. 19.11.2015.

And whereas, the Hon'ble OAT vide their common Order dtd. 17.07.2017 passed in O.A. No. 416/2015 & O.A. No. 3039/2015 (both filed by Smt. Sahu) ordered that, this Department Office Order No. 20320/F&E dtd. 19.11.2015 is hereby quashed & Office Order No.16759/F&E dtd. 11.09.2014 is restored. Further, the respondents were directed to grant the corresponding scale of pay in PB-3 of Rs. 15,600 – 39,100/- and fix the pay w.e.f. 01.01.2013 as has been done in the case of Sri Bidyut Kumar Sahoo.

And whereas, the Hon'ble High Court vide their Order dtd. 18.10.2022 passed in CONTC (CP) No. 471/2017 (arising out of OA No. 3039/2015) has directed that the Order dtd. 17.07.2017 passed in O.A. No. 416/2015 & O.A. No. 3039/2015 by Hon'ble OAT be complied since Writ petitions filed by the State vide W.P.(C) No. 4486/2018 & W.P.(C) No. 4819/2018 challenging the legality of Order dtd. 17.07.2017 has been dismissed.




And whereas, the case of Smt. Sahu was referred to Finance Department with a request to offer their views regarding the implementation of the order of the Hon'ble High Court for fixing her pay in Pay Band-3 of Rs. 15,600-39,100/- with Grade Pay of Rs. 7,600 w.e.f. 05.09.2018 for 3rd financial upgradation and with Grade Pay of Rs. 6,600/- w.e.f. 01.01.2013.

And whereas, the FD finds the Order dtd.17.07.2017 of Ld. OAT contrary to the law prescribed in the RACP Circular & therefore liable for challenge & the comparison to one Sri Bidyut Kumar Sahoo is prima facie erroneous since he is posted in a separate post having a separate cadre structure. As such, the A/D has been advised by the Finance Department to file a review petition citing the position of law or prefer SLP in consultation with Law Department.

And whereas, the Law Department did not find any ground to suggest the A/D for filing of SLP against Order dtd. 17.03.2022 of Division Bench, Hon'ble High Court wherein the Writs filed by the State were dismissed and the Order dtd. 17.07.2017 of Ld. OAT was upheld. As such, the A/D was advised to implement the said Order.

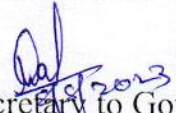
Hence, the Government after careful consideration has decided to quash this Department Office Order No. 20320/F&E dtd. 19.11.2015 and allow Smt. Sujata Rani Sahu, Sociologist (Retd.), O/o the PCCF & HoFF, Odisha to avail Grade Pay of Rs. 6600/- in the scale of pay of Rs. 15,900 – 39,100/- in PB-3 w.e.f. 01.01.2013 under RACP with the next increment on 01.01.2014.

By Order of Additional Chief Secretary


Additional Secretary to Government

Memo No. 16935 /FE&CC, Date 09.08.23

Copy forwarded to the Accountant General (A&E) for information & necessary action.


Additional Secretary to Government

Memo No. 16936 /FE&CC, Date 09.08.23

Copy along with the Original Service Book of Smt. Sujata Rani Sahu, Sociologist (Retd.) forwarded to PCCF & HoFF, Odisha for necessary action.

The concerned DDO shall ensure to obtain an undertaking from Smt. Sahu that excess payment if any detected in future will be recovered from her.


Additional Secretary to Government


Memo No. 16937 / FE&CC, Date 09.08.23

Copy forwarded to Superintendent, OA Section, High Court of Orissa for kind information & necessary action w.r.t his Issue No. 40766(3) dtd. 29.10.2022.


Additional Secretary to Government

Memo No. 16938 / FE&CC, Date 09.08.23

Copy forwarded to OE (IT Cell), Forest, Environment & Climate Change Department with a request for publication of this Order in the website of the Forest, Environment & Climate Change Department.


Additional Secretary to Government

(Speed Post)

Memo No. 16939 / FE&CC, Date 09.08.23

Copy forwarded to Smt. Sujata Rani Sahu, Sociologist (Retd.), Plot No. 4008, Shri Aurobinda Nagar, Road No.- 1, Chandrasekharpur, Bhubaneswar - 751016 for information.


Additional Secretary to Government