



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18760 of 2022
CNR No. ODHC010484532022

Purna Chandra Palei

....

Petitioners

Mr. P. K. Mohapatra,
Adv.

-versus-

State of Orissa and Others

....

Opposite Parties

Mr. C. K. Pradhan,
AGA
Mr. S. K. Patra, Adv.

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
01.09.2026

Order No

- 03.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Parties.
3. Petitioner has filed the present writ petition inter alia with the following prayer:-

It is therefore, humbly prayed that this
Hon'ble Court may graciously be pleased to:-

- (i) direct the opp. parties to grant pension and pensionary benefits under the Orissa Civil Services (Pension) Rules, 1992 by taking into account his initial date of appointment 01.12.1985 as DLR, work charge and regular service as well as the benefits given to other similarly situated persons in the light of the decision in the case of Narusu Pradhan vrs. State in O.A.No. 1189(c)/2006, which has been



affirmed by in W.P.(c) No. 5377/2010 and SLP(c) cc No. 22498/2012, State of Odisha vrs. Pitambar Sahoo, W.P.(c) No. 24041/2017(decided on 20.12.2017), which has been affirmed in SLP(c) Diary No. 30806/2018, State of Orissa vrs. Pitambar Mohapatra, W.P.(c) No. 13483/2012, State of Orissa and others vrs. Jyostna Rani Patnaik and others, W.P.(C) No. 1534/2008 and Chandra Nandi v. State of Odisha and others, W.P.(C) No.19550 of 2011(decided on 03.02.2021) and Premananda Tripathy v. State of Odisha, W.P.(C) No.27950 of 2019 (decided on 03.02.2021) and thereby quashing the order dt.05.04.2022 vide Annexure-7 as it is illegal and not in consonance with the aforesaid principles;

(ii) Pass such other order (s)/direction(s) as would be deem fit and proper in the bonafide interest of Justice;

And for which act of kindness, the petitioner as in duty bound shall ever pray.

4. It is contended that even though the Petitioner continued initially as an NMR w.e.f. 01.01.1983 and thereafter in the Work Charged Establishment and lastly in the Wages Establishment and retired from his services on attaining the age of superannuation on 31.10.2017, on the ground that Petitioner does not have the required qualifying service, he was not



sanctioned with pension and other pensionary benefits as provided under OCS Pension Rules, 1992.

4.1. However, Petitioner when raised a claim to get the said benefit by filing W.P.(C) No.35123 of 2021 and this Court directs for its consideration, Opp. Party No.1 rejected the said claim vide the impugned order dated 05.04.2022 under Annexure-7.

4.2. Learned counsel appearing for the Petitioner contended that the ground on which Petitioner's claim has been rejected, is no more sustainable in the eye of law, in view of the recent judgment delivered by this Court on 20.05.2026 in W.P.(C) No.37563 of 2025. This Court in the said judgment in Para 7 to 7.4 has held as follows:-

“7. Having heard learned counsel appearing for the Parties and considering the submissions made, it is found that all the Petitioners were initially engaged as DLRs, much prior to the cut-off date so fixed by the Finance Department in its Resolution dtd.15.05.1997 i.e.12.04.1993. On the face of such engagement prior to 12.04.1993, Petitioners were never absorbed in terms of Finance Dept. Resolution dt.15.05.1997 under Annexure-2 nor regularized in terms of the decision of the Apex Court in the case of Uma Devi (so cited supra).

7.1. It is also found that while so continuing as DLRs, Petitioners were brought over to the Work Charged Establishment vide order dtd.14.01.2011 under



Annexure-4 series and to the Regular Establishment vide order dtd.30.10.2018, 31.05.2023 and 01.11.2018 under Annexure-5 series. However, on the ground that Petitioners have been brought over to the Work Charged Establishment and the Regular Establishment after 01.01.2005, claim of the Petitioner to get the benefit of pension and pensionary benefits has been rejected vide the impugned order dtd.21.05.2025 under Annexure-16.

7.2. Placing reliance on the decisions rendered in the case of Niranjana Kar and Sk. Abdul Motalib, which have been affirmed by the Apex Court and pension and pensionary benefits since has already been extended in favour of Niranjana Kar, who is similarly situated as like the present Petitioners, this Court is of the view that the ground on which claim of the Petitioners has been rejected vide the impugned order is not sustainable in the eye of law. It is also the view of this Court that since similar benefit has already been extended in favour of Niranjana Kar, Petitioners being similarly situated, they cannot be discriminated in view of the decision of the Apex Court in the case of Arvind Srivastava & C. Lalitha (so cited supra).

7.3. It is also the view of this Court that in view of the continuance of the Petitioners in different capacity till their retirement and the inaction on the part of the Opp. Parties in not absorbing the petitioner in terms of the Finance Department Resolution dtd.15.05.1997 as well as the decision in the case of Uma Devi so cited (supra), petitioner in view of the recent decisions of the Apex Court in the case of Jaggo, Shripal, Dharam Singh and Bhola Nath, are otherwise eligible and



entitled to get the benefit, which has been illegally rejected vide the impugned order.

7.4. Therefore, while quashing order dtd.21.05.2025, this Court directs the Opp. Parties be directed to release the pension and other pensionary benefits in favour of the Petitioners so extended in favour of Niranjan Kar, from the date of their entitlement, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of this order.”

4.3. It is accordingly contended that since Petitioner’s claim is covered by the aforesaid judgement, with quashing of the impugned order, Opp. Party be directed to extend similar benefits as have been extended in the case of **MD Zamilur Rahaman & Ors.** in **W.P.(C) No.37563 of 2025.**

5. Learned Addl. Govt. Advocate on the other hand contended that, since after getting the benefit of regularisation vide order dated 04.05.2017 under Annexure-3, Petitioner retired from his service on attaining the age of superannuation w.e.f. 31.10.2017 and the qualifying service being less than 10 years, he is not eligible and entitled to get the benefit of pension, in view of the stipulation contained in OCS Pension Rules, 1992. It is accordingly contended that claim of the Petitioner has been rightly rejected vide the impugned order under Annexure-7.



6. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner was initially engaged as an NMR on 01.01.1983 and subsequently he was brought over to the Work Charged Establishment and lastly to the regular Wages Establishment vide order dated 04.05.2017 under Annexure-3. As found Petitioner while continuing in the regular wages Establishment, retired on attaining the age of superannuation on 31.10.2017. Claim of the Petitioner has been rejected vide the impugned order dated 05.04.2022 under Annexure-7, on the ground that he does not have the required qualifying service in the regular establishment along with other grounds.

6.1. This Court placing reliance on the decision in case of **MD Zamilur Rahaman** so cited supra is of the view that the ground on which Petitioner's claim has been rejected vide the impugned order, is no more sustainable in the eye of law. Therefore, this Court while quashing the impugned order dated 05.04.2022 under Annexure-7, dispose of the Writ Petition in the light of the judgment dated 20.05.2026.

7. Accordingly, the Writ Petition stands disposed of.

Signature Not Verified

Digitally Signed
Signed by: UTKALIKA NAYAK
Reason: Authentication of Utkalika
Location: High Court of
Orissa, Cuttack
Date: 02-Sep-2026 10:59:01

(Biraja Prasanna Satapathy)
Judge