

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 14084 of 2008

M.V. Sharma

.... ***Petitioner***
Mr. Amitav Das, Advocate

-versus-

State of Odisha and Others

.... ***Opposite Parties***
Mr. A.P. Das, Addl. Standing Counsel

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIK

Order No.

ORDER
22.02.2022

08. 1. The challenge in the present petition is to an order dated 8th June, 2005 passed by the Odisha Administrative Tribunal, Bhubaneswar (OAT) in O.A. No.2577 of 1999.
2. By the impugned order while the Tribunal accepted the prayer of the Petitioner that the service rendered by him under the Government for the period 3rd July, 1958 to 17th March, 1962 will be counted towards qualifying service for the purposes of pension. It, however, rejected his plea that the period during which he served as Laboratory Assistant in the University College of Engineering, Burla, Sambalpur under the administrative control of the Utkal University, from 19th March, 1962 to 11th May, 1968 should also be included.
3. Learned counsel for the Petitioner sought to make a grievance that the OAT was in error since Utkal University was an autonomous body and once it was absorbed by the Government,

the service rendered therein should automatically qualify for the purposes of pension.

4. Having perused the reasoning of the OAT in this regard, the Court notes that there is a specific Rule 44 (3) of the Pension Rules which provides that an employee of an autonomous body on permanent absorption under the Government will have the option either to receive the CPF benefits that have been accrued to him under the autonomous body and start service afresh under the Government or choose to count the service rendered under that body as qualifying service of pension foregoing employee share of the PF with interest thereon which will then be paid to the Department concerned by the autonomous body.

5. In the present case, the Petitioner fails to state whether such an option was given at all. Further the autonomous body was itself not impleaded as a party to speak about his having received the terminal benefits for the past service. Naturally, therefore, the OAT was unable to accede to the prayer for inclusion of the aforementioned period of service for the purposes of pension.

6. The Court finds no legal error having been committed by the OAT. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge