

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1929 OF 2022

Guru Charan Dash

.....

Petitioner

Mr. K. Swain, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite party

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.01.2022

Order No.

1

This matter is taken up through video conferencing mode.

2. Heard learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to allow the petitioner to avail the benefit of GPF and pension under the Odisha Civil Services (Pension) Rules, 1992 and to make a further declaration that the petitioner is covered under the said Pension Rules, 1992 prior to its amendment and to treat the petitioner as Sikshya Sahayak by taking into account the date of advertisement, keeping in view the decisions held by the Punjab and Haryana High Court in *Harbans Lal v. The State of Punjab and Ors.*, (CWP No.2371 of 2010, decided on 31.8.2010), which has been upheld by the Hon'ble apex Court in SLP(C) No.23578 of 2012 [SLP(C) CC No.17901 of

2011] disposed of on 30.07.2012 (*State of Punjab and Ors. Vs. Harbans Lal*) and also taking into account the case of *Jeewan Lata v. State of Punjab and others*, (CWP No.10238 of 2017 (O&M), decided on 10.05.2019) and *Anand Das v. State of Odisha*, 2014 ILR CUT 459 with all consequential benefits.

4. In course of hearing, learned counsel for the petitioner states that highlighting the grievances, the petitioner has made representation to opposite party no.1 vide Annexure-3 and the same may be directed to be considered and disposed of within a stipulated time taking into consideration of the judgment in *Harbans Lal v. State of Punjab* (CWP No.2371 of 2010 decided on 31.08.2010) to which learned State Counsel has no objection.

5. As agreed by learned counsel for the parties and considering the limited grievance of the petitioner, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party no.1 to consider the representation filed by the petitioner vide Annexure-3 and pass appropriate order in accordance with law taking into consideration of the judgment in *Harbans Lal* (supra) within a period of three months from the date of production of certified copy this order.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to

attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Alok

(DR. B.R. SARANGI)
JUDGE

