

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2612 of 2022

Abhaya Kumar Mohanty

.....

Petitioner

Mr. S.S. Mohanty, Advocate

Vs.

***Principal Secretary to Government
of Odisha, H & UD Department and
others***

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.02.2022

Order No.

1

This matter is taken up through video conferencing mode.

2. Heard.

3. The petitioner has filed this writ petition seeking direction to opposite parties to allow pension to the petitioner after regularizing his service at least one day with all consequential benefits along with 12% interest.

4. Mr. Mohanty, learned counsel for the petitioner contended that similarly situated persons had approached the Orissa Administrative Tribunal in O.A. No. 1513 (C) of 2009 and OA No. 2348 (C) of 2009 which was disposed of on 11.06.2009 and 18.06.2018 respectively. Challenging the said orders, State has preferred W.P.(C) No. 27950 of 2019 and W.P.(C) No. 19550 of 2011, which was disposed of on 03.02.2021 confirming the orders passed by the Tribunal. Thereby, there is a direction from this Court that the petitioner therein should be treated to have been regularized in service at least one day prior to his superannuation, by creating supernumerary post, if necessary and accordingly, he shall be extended with the pensionary benefits as would be admissible to him. It is contended that in view of the orders passed by this Court, the petitioner being the same footing, is entitled to get the benefit of the said order. Accordingly, this writ petition may be disposed of in the light of the order dated 03.02.2021 passed by this Court as the said order has not been challenged before the apex Court till date.

5. Considering the limited nature of grievance of the petitioner, this

writ petition is disposed of directing the opposite parties to consider the grievance of the petitioner in the light of the orders passed in W.P.(C) No. 27950 of 2019 and W.P.(C) No. 19550 of 2011, disposed of on 03.02.2021 and pass appropriate order in accordance with law and extend the benefits to the petitioner, if he is otherwise eligible pursuant to said order as expeditiously as possible within a period of four months from the date of communication of this order.

6. With the above observation and direction, the writ petition stands disposed of.

7. 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.

Arun

(DR. B.R. SARANGI, J.)

