

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 2335 of 2017

Sadananda Sahoo and others

.....

Petitioners

Mr. R. Roy, Adv.

Vs.

State of Orissa and others

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

29.04.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. R. Roy, learned counsel for the petitioner.
3. The petitioner has filed this writ petition challenging the order dated 30.04.2015 passed by the Odisha Administrative Tribunal, Bhubaneswar in O.A. No. 1239 of 2015, by which he has been denied the benefit, as claimed in the writ petition.
4. Mr. R. Roy, learned counsel for the petitioner fairly contended that the petitioner was superannuated from service w.e.f. 30.11.2012 and the resolution dated 06.02.2013 came into force w.e.f. 01.01.2013. But the petitioner claims that the benefit of RACP should be granted to him as was granted to one Sachidananda Dash, retired Asst. Teacher of Davpali Primary School, vide Annexure-8.
5. Having heard learned counsel for the petitioner and after going through the records, this Court finds that the person, to whom the benefit has been extended vide Annexure-8, was retired from service on 30.04.2013 and, as such, the rule having come into force w.e.f. 01.01.2013, the benefit of RACP was extended to him. Therefore, the petitioner, who was retired w.e.f. 30.11.2012, cannot be equated with him to claim that the benefit should be extended to him. As such, the rule having come into force w.e.f. 01.01.2013, i.e., after the retirement of the petitioner, it should be applicable

prospectively, but not retrospectively.

6. In the above view of the matter, this Court does not find any error apparent in the order impugned passed by the tribunal so as to warrant interference with the same.

7. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Puspa

