

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.3443 of 2019

State of Odisha and others *Petitioners*
Mr. A.K.Mishra, AGA

Versus

Sri Rajkishore Swain *Opp. Party*
Mr. P.K.Mohapatra, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI
JUSTICE SAVITRI RATHO

ORDER
07.03.2022

Order No.

05. 1. This matter is taken up through hybrid mode.
2. Heard.
3. Challenge in the present writ petition has been made to the judgment and order dated 15.05.2015 passed by the learned Odisha Administrative Tribunal, Cuttack in O.A. No.1977 (C) of 2009, wherein, direction was made to take into consideration the period of engagement of the petitioner under job contract establishment while calculating qualifying service and accordingly his pension and other pensionary benefits due and admissible was directed to be revised and paid after adjusting the amount, if any already paid.
4. Perusal of Tribunal's order reveals that learned Tribunal while disposing of O.A. No.1977 (C) of 2009 has relied upon its earlier decision in T.A. No.11 of 1993 disposed of on 21.10.1994 (OJC No.2405 of 1985) on this issue.
5. Learned counsel for the opp. party draws our attention to the order of the Hon'ble Supreme Court passed in SLP (Civil) No.13916 of 1995, wherein, the State have gone to challenge the order of the

Tribunal passed in T.A.No.11 of 1993, and the same came up to be dismissed by order dated 17.07.1995.

6. Apart from the above, we find that earlier in W.P. (C) No.11060 of 2011 a similar case has come before this Court, the principle decided wherein, is squarely applicable to the facts and circumstances of the present case.

7. In view of the aforesaid factual backdrop, we find no merit in the present writ petition, hence the same stands dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE



Jagdev/Bichi