

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4898 of 2022*Nirakar Barik*

.....

Petitioner

Mr. P.K. Mohapatra, Advocate

Vs.*State of Odisha and others.*

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

18.02.2022

Order No.

01

The matter is taken up by hybrid mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize his service notionally and grant pension and pensionary benefits as per the old rules.

3. Mr. P.K. Mohapatra, learned counsel for the petitioner contended that this question has already been considered by a Division Bench of this Court in W.P.(C) No.19550 of 2011 disposed of on 03.02.2021 (*Chandra Nandi v. State of Odisha and others*) and W.P.(C) No.27950 of 2019 disposed of on 03.02.2021 (*Premananda Tripathy v. State of Odisha*). It is contended that since the matter has already been decided by this Court and, as such, the petitioner having stood in the same footing, nothing remains to be adjudicated by this Court. Therefore, direction may be given to the authority to consider the case of the petitioners in the light of the aforesaid orders.

4. Learned Addl. Government Advocate contended that since this question has already been decided by this Court, direction may be given to the authority to consider the case of the petitioner in the light of the aforesaid orders.

5. Considering the contention raised by learned counsel for the parties and after going through the records, this writ petition stands disposed of directing opposite party no.2 to consider the case of the petitioner for regularization of his service notionally

and grant of pension and pensioanry dues as due and admissible to him taking into consideration the order dated 03.02.2021 passed by this Court in ***Chandra Nandi*** and ***Premananda Tripathy*** mentioned supra, as well as the ratio decided by this Court in ***State of Orissa v. Jyostna Rani Pattnaik*** (W.P.(C) No.1534 of 2008 disposed of on 19.12.2016), and pass appropriate order in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of production of the certified copy of this order.

Issue urgent certified copy as per rules.

Alok

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

