

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No.8794 of 2017

***Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd. and
others***

.....

Petitioner

Mr.K.C.Kanungo, Adv.

Vs.

Surendra Prasad and another

.....

Opposite Parties

Mr. S.Behera, Adv.

(O.P.1)

Mr. P.K.Parhi, ASGI

(O.P.2)

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.05.2022

Order No.
09.

This matter is taken up through hybrid mode.

2. In this writ petition, the petitioner has prayed to quash the orders dated 29.04.2016 in O.A. No.122 of 2015 and 23.03.2017 in R.A. No.12 of 2016 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack vide Annexures-1 and 2 respectively.

3. It is agreed by learned counsel for the parties that the issue involved in this case is analogous to W.P.(C) No.3587 of 2017 (***Chief General Manger Telecom, Orissa Circle, Bhubaneswar and another v. Anil Kumar Singh and others***) which was disposed of vide order dated 22.04.2022 by this Court.

4. Therefore, in view of the detailed reasons stated in the order dated 22.04.2022 passed in W.P.(C) No.3587 of 2017 (***Chief General Manger Telecom, Orissa Circle, Bhubaneswar and another v. Anil Kumar Singh and others***), this writ petition stands dismissed in terms of the said order.

5. Hence, the case of the opp. party No.1 should be considered at the time of the Scheme was prevailing when the father of opp.party No.1

died. The said view was also taken by the apex Court in the case of *State of Madhya Pradesh and Others v. Ashish Awasthi* reported in **2021 (II) OLR (SC) 1072**. Accordingly, this Court does not find any illegality or impropriety in the orders dated 29.04.2016 in O.A. No.122 of 2015 and 23.03.2017 in R.A. No.12 of 2016 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack vide Annexures-1 and 2, so as to warrant interference this Court.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi

