

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6642 of 2022

Debabrata Mohanty

....

Petitioner

Mr.Sashi Bhusan Jena, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.03.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. The present writ petition has been filed with the following relief:
- i) “The writ application be allowed
 - ii) This Hon’ble Court may graciously be pleased to direct the opposite parties to sanction pensionary dues i.e. final pension, DCRG, GIS amount and other retirement benefits as per OCS (Pension) Rules, 1992 from the date of retirement.
 - iii) This Hon’ble Court be pleased to direct the opposite parties to pay the arrears dues with interest.
 - iv) And pass such other order/orders as may be deemed fit and proper for the interest of justice.”
4. It is submitted by learned counsel for the Petitioner that the similar issue has been decided by this Hon’ble Court in the case of ***W.P.(C) No.20762 of 2015 (State of Odisha and others vs.Sri***

Kulamani Mishra and another), decided on 02.03.2016. The operating part of the order reads as follows:

“In the present case, there is no dispute that opposite party no.1 had been appointed as N.M.R. in the year 1981 and the State Government in the Finance Department, vide resolution dated 15.5.1997 had formulated a scheme to absorb such Work Charged/N./M.R./D.L.R./J.C. employees under regular establishment, in order to provide them minimum pensionary benefits, as per the directives of the Hon’ble Apex Court. However, the State Authorities took 4 years to implement the said Scheme, as a result of which, the opposite party no.1 was absorbed in the post of Khalasi in the Wages Establishment only on 19.06.2001. The opposite party no.1 having attained the age of superannuation on completion of 60 years of age, w.e.f. 31.08.2006, there is a short fall of 4 years 9 months and 18 days to complete 10 years of regular/qualifying service for the purpose of granting minimum pension. By the impugned order, learned Tribunal has directed the authorities/petitioners to take into account the period of service rendered by the opposite party no.1 as a N.M.R. under them and grant him minimum pension, which cannot be faulted.

For the reasons aforesaid, we do not find any infirmity in the impugned order of the learned Tribunal, so as to warrant any interference.

Writ petition and Misc. Case being devoid of merits, the same are accordingly dismissed.”

5. Mr. Jena, learned counsel for the Petitioner submits that Petitioner has filed a representation before the Principal Secretary, Water Resources Department, Govt. of Odisha, Opposite Party No.1, which according to the Petitioner is pending before it for consideration.

6. Learned counsel for the State on the other hand submits that Opposite Party No.1 may be directed to consider the said

representation of the Petitioner under Annexure-4 series within a stipulated period of time.

7. Considering the limited nature of grievance, this Court disposes of the writ petition with a direction to the Opposite Party No.1 to consider the representation of the Petitioner dated 10.01.2022 (Annexure-4 series) within a period of two months from the date of production of certified copy of this order and dispose of the same by passing a speaking and reasoned order and further upon satisfaction direct for release of final pension, DCRG, GIS amount and other retirement benefits as per OCS (Pension) Rules, 1992 from the date of retirement as due and admissible to the Petitioner strictly in accordance with law. Decision so taken on the representation be communicated to the Petitioner within two weeks thereafter.

8. With the aforesaid direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge