

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7562 of 2022

Saroj Kumar Rout

.... ***Petitioner***
Mr. S. Mallick, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. P. C. Das, A.S.C.

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER
11.04.2022

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayer :-

“Under the aforesaid facts and circumstance the petitioner humbly prays that this Hon’ble Court may graciously be pleased to’

I) Quash the order of rejection dated 4.3.2022 as at Annexure-13.

II) Direct/order that the services of the petitioner shall be regularized as a Tracer before his retirement as per the Govt. policy decisions and the law settled by this Hon’ble Court and the Hon’ble Apex Court and shall be allowed pension as per the provisions of the OCS Pension Rules 1992.

III) Pass such order orders as may be deemed fit

and proper in the interest of justice.”

4. It is submitted by learned counsel for the Petitioner that pursuant to the direction of this Court in W.P.(C) No.19550 of 2011 disposed of on 03.02.2021, the petitioner approached before the authority by filing a representation. The authority though consider the representation, however, the same has been rejected by order dated 04.03.2022. In the counter affidavit, as it appears from the impugned order that since the present petitioner was not involved in W.P.(C) No.19550 of 2011 as mentioned in the earlier order passed by this Court, therefore, the claim of the petitioner should get similar benefit as has been considered and as such, the claim of the petitioner has been rejected.

5. Learned counsel for the State, on the other hand, submits that the case of the petitioner as directed in W.P.(C) No.19550 of 2011, therefore, the authority has not considered grievance of the petitioner and rejected the representation of the petitioner. However, he does not dispute the fact that pursuant to order passed by this Court similar benefits extended to the similarly situated persons.

7. Considering the submissions made by the respective parties, keeping in view the principle of law laid down by the Hon'ble Supreme Court at the stage of admission by setting aside the order dated 04.03.2022 under Annexure-13 as the same is unsustainable in law. Further, Secretary to Government, Water Resources Department, Bhubaneswar-Opposite Party No.1 is directed to reconsider the case of the petitioner in the light of the ratio laid down by this Court as well as Hon'ble Supreme Court of India petitioner found is covered under the judgments relied upon by the petitioner as well as the fact that the similar benefit has been extended to the

similarly situated persons and such order has been filed under Annexure-14 to the writ petition, the petitioner be extended the similar benefits within a period of two months from the date of production of certified copy of this order.

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

Urgent certified copy of this order be granted on proper application.

*(A.K. Mohapatra)
Judge*



Jagabandhu