

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8799 of 2022

Saroj Ranjan Parija

....

Appellant

Mr. Amiya Ku. Chhatoi, Advocate

-versus-

State of Odisha

....

Respondent

Mr. P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel.
3. The present writ application has been filed with the following prayer.

“In view of the facts stated above the Petitioner prays that this Hon’ble Court may graciously be pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ/writs, direction/directions, order/orders, issue appropriate order directing the Opp.Parties to declare that service of the Petitioner is governed under the pre-amended OCS(Pension) Rules, 1992 and Odisha GPF Rules, 1938 from the date of his joining in Government service as on 27.06.2007.

And direct the Opposite Parties to extend the benefits

under pre-amended OCS (Pension) Rules, 1992 and GPF Rules, 1938 from the date of his joining in favour of the Petitioner by adjusting the deductions already made under the new pension scheme.

4. It is submitted by the learned counsel for the Petitioner that pursuant to an advertisement issued in the year 1995 the Petitioner along with others were selected to the post of Junior Clerk. Accordingly on 07.01.2000 a merit list was prepared wherein the Petitioner's name finds place at sl.no.24 under unreserved male category. However, no appointment was given to the Petitioner till the year 2007. The select list which was prepared was validated by the Government and approved by the concerned department. Thereafter the Petitioner was given appointment on 27.06.2007. Learned counsel for the Petitioner further submits that the Petitioner has been deprived of getting the benefit under pre-amended OCS Pension Rules, 1992 as well as Odisha GPF Rules 1938. It is further submitted by the learned counsel for the Petitioner that the persons who were placed along with the Petitioner in the same select list have been appointed prior to the Petitioner, they have been extended with such benefit, however, the Petitioner has not been given the benefit of pre-amended OCS Pension Rules. Accordingly, the Petitioner has submitted a representation before the authority i.e. the Principal Secretary to Government, Revenue & Disaster Management department on 07.10.2021. It is stated that the same is pending and no decision has been taken as of now.

5. Learned Additional Standing Counsel on the other hand submits that the Petitioner was appointed under the Post Amended OCS Pension Rule 1992 as well as GPF Rule 1938. Therefore, he submits that he is eligible to be covered under the aforesaid Rules. He further submits that since the matter is pending before the

Principal Secretary, Revenue & Disaster Management Department, Opposite Party No.1 he will have no objection if a direction to the Opposite Party No.1 to consider the representation of the Petitioner in accordance with law and take a decision within a stipulated period of time.

6. Considering the aforesaid submissions advanced by both the sides and keeping in view the limited nature of prayer, this Court disposes of the writ application at the stage of admission directing the Opposite Party No.1 to consider the representation of the Petitioner dated 07.10.2021 under Annexure-11 to the writ application within a period of two months from the date of production of certified copy of the order. The Opposite Party No.1 is further directed to consider the representation of the Petitioner keeping in view the advertisement as well as the select list which was prepared while selecting the Petitioner and further the judgment relied upon by the Petitioner in support of his case, copy of which shall also be filed along with the certified copy of the order. The Opposite Party No.1 shall do well to consider the representation of the Petitioner in accordance with law as well as the judgment relied upon by the learned counsel for the Petitioner and shall dispose of the same by passing a reasoned and speaking order within the aforesaid period. The decision so taken be communicated to the Petitioner within two weeks thereafter.

7. This court has not expressed any opinion on the merits of the case.

8. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy as per Rules.

