

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.14485 OF 2008

Nilamani Dash and others *Petitioner(s)*
M/s.P.K.Mohanty2,Adv.

-versus-

Union of India and others *Opposite Party(s)*
Mr.P.K.Parhi,DSGI

CORAM:
JUSTICE BISWANATH RATH

ORDER
28.11.2022

Order No.

06.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer:-

“It is therefore, prayed that this Hon’ble Court may graciously be pleased to admit this writ petition, issue Rule NISI in the nature of writ of mandamus calling upon the Opp. Parties to show cause as to why they shall not be commanded to grant govt. of India Pension to these petitioner (Direct Recruits) of FCI, who have joined FCI after the year 1965 onwards so as to consider the “Pension” at par with the transferred employees of the Government. Or in the alternative to allow them the Maximum Pension under the EPS-1995 as per “Provision” to para-11(3) and Para-35 of the said Scheme by counting the “Past Service” as “Pensionable Service” proceeding to dated 16.11.95 i.e. in terms of the amended provisions of the EPF and M.P. Act, 1952, Schedule-III, Para-4 within a stipulated period of time by way of calling fresh options from these petitioners to contribute @ 8.33% for the entire pensionable period of service together with penal interest and as to why they shall not be commanded to pay “provisional Pension” to the eligible employees/ petitioners till disposal of this case;

And if the Opp. Parties fail to show cause or show insufficient cause the said Rule be made absolute;

And may further be pleased to pass any/other order/orders, direction/directions as deemed fit and proper;

And for this act of kindness, the petitioner shall in duty bound ever pray.”

3. Even though Petitioners claim to be guided by the pension scheme of the Food Corporation of India, unfortunately entire reading of the pleadings in the Writ Petition, this Court nowhere finds any semblance of materials at least for establishing that the Petitioners are the recruitees of Food Corporation of India and being direct Recruited by the F.C.I. should be governed by the F.C.I. employees’ terms and conditions. For there is no foundation that the Petitioners have been recruited by the Food Corporation of India, this Court finds, relief claimed for, remains unentertainable.

4. The Writ Petition stands dismissed.

(Biswanath Rath)
Judge

Swarna

