

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 8102 of 2019

G. Balakrishna

.....

Petitioner

Mr. L.K. Mohanty, Advocate

Vs.

State of Odisha and Ors.

.....

Opposite Parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.05.2022

Order No.

10.

This matter is taken up through hybrid mode.

2. Heard Mr. L.K. Mohanty, learned counsel appearing for the petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition challenging the order dated 22.01.2019 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 662 (C) of 2014, whereby the claim of the petitioner to count the period of service rendered in work charged establishment towards grant of retiral benefits was rejected.

4. It is contended by learned counsel for the petitioner that one Narusu Pradhan, a similarly circumstanced person like the petitioner had filed O.A. No. 1189 (C) of 2006 praying for retiral benefits. The Tribunal allowed the retiral benefits in his favour vide order dated 11.06.2009, which was challenged by the State before this Court in W.P.(C) No. 5377 of 2010. This Court dismissed the writ petition on 19.12.2011 and confirmed the order passed by the Tribunal. Thereafter against the order passed by this

Court, the State has preferred SLP in Civil Appeal No. 22498 of 2012, the same was also dismissed on 07.01.2013. According to him, the case of the petitioner is squarely covered by the ratio decided in the case of *Narusu Pradhan* and as such, he is entitled to get all the benefits.

5. In view of the above, this court while setting aside the impugned order passed by the tribunal directs the opposite parties to consider the case of the petitioner in the light of the aforementioned order passed in the case of *Narusu Pradhan* and extend the benefits as due and admissible to him in accordance with law, within a period of four months from the date of communication of the order.

6. The writ petition is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi