

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15377 of 2022

Narayan Mishra

....

Petitioner

Mr. Anil Kumar Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.07.2022

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 Writ Petition has been filed by the Petitioner with the following prayer:

“It is, therefore, prayed that your Lordships may be pleased to direct the State/O.Ps. for sanction and disbursement of pension and pensionary benefits from 1.4.2021 treating the Petitioner to have been brought over to Regular Establishment on completion of five years of continuous service in work-charged Estt., i.e. from 1.3.2014 in view of the order of the Hon’ble Tribunal dt.2.5.2018 in O.A. No.827/2014 and Batch of cases under Anx.4 and direction of the Hon’ble High Court of Odisha dt.8.12.2020 in W.P.(C) No.33669/2020 under Anx.6 and order dt.8.11.2021 in CONTC No.6266/2021 under Anx.7 with all consequential arrear benefits.

And pass any other order/orders as deemed fit and proper in the ends of justice, equity and good conscience.

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

4. It is submitted by learned counsel for the Petitioner that by virtue of the order of the Odisha Administrative Tribunal, similar

benefits have been given to the persons. Further the said benefits have not been extended to the present Petitioner. In the aforesaid context, learned counsel for the Petitioner has also drawn the attention of this Court to the orders wherein similar benefits have been extended to the persons therein. Further learned counsel for the Petitioner has relied upon the judgment of this Court in the case of ***Suresh Chandra Parida vs. State of Odisha and others*** passed in ***W.P.(C) No.19590 of 2011***.

5. Learned counsel for the Petitioner further submits that although Petitioner is lawfully entitled to the benefits, which have been granted to the similar circumstanced persons, but he has been deprived of the same.

6. Learned counsel for the State on the other hand submits that if that is so, Petitioner may approach the Authority taking support of the judgment in his case. In the event, the Petitioner approaches the Authority along with a copy of the order of this Court and the judgment relied upon by him, the Authority shall do well to consider the same and further examine as to whether Petitioner is entitled to the same benefits as was given to the similar circumstanced persons or not. In the event Petitioner comes under the said benefits, he shall be granted the benefits within a period of two months from the date of such decisions

7. With the aforesaid observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge