

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.446 OF 2017

Yugal Kishore Dass & ors.

....

Petitioners

Mr.J.M.Rath, Adv.

-versus-

Union of India & ors.

....

Opposite Party

Mr.P.K.Parhil, DSGI

Mr.D.Nayak, Adv.

P.K.Mishra, Adv.

Mr.A.Mohanty, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.11.2022**

**Order
No.6**

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

“It is thus humbly prayed that this Hon’ble Court may graciously be pleased to admit this writ petition, issue RULE NISI calling upon the opp., parties to show cause as to why the New Pension Policy under Annexure-2(1), which is illegally being imposed upon these petitioners and others, who were highly prejudiced for such whimsical and discriminatory action of the opp.parties shall not be quashed and as to why the opp.parties shall not be commanded to grant Central Govt. Pension to these petitioners (who are direct recruits) by restoring their full length of Past Services for Pension i.e. from the date of their respective appointment/confirmation in the service of FCI till their retirement/death as was done in case of the transferred employees of govt., who have together joined FCI during and after the year 1965 onwards so as to consider the “Pension” at par with the transferred employees of the govt. and as to why the prayer for Central Govt. Pension in their favour as well as their prayer for application of the post retirement medical health scheme in an improved and rationalized manner as has been

averred under paragraph-10 of the writ petition, shall not be allowed.

And if the opp.parties failed to show cause or show insufficient cause the said Rule be made absolute and the Annexure-2(1) be quashed and appropriate writ be issued commanding the opp.parties to grant Central Govt. Pension to these petitioners (direct recruits) of FCI as per Annexure-2(2) & 2(3) with this writ petition basing upon the constitutional provisions and other Rules/Regulations as referred to in the writ petition.

And may further be pleased to pass suitable orders to pay necessary compensation in in shape of penal interest @ 12% p.a. to the petitioners for withholding their legitimate claims towards pension for which they were entitled since the date of their retirement;

And may further be pleased to pass any other order/orders, direction/directions as deemed fit and proper under the provisions of law and to grant complete relief to the petitioners.”

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, the relief claimed for remains unentertainable.

4. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout