

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) NO.1366 OF 2007

Naru Nayak

....

Petitioner

Mr.R.Rath, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

24.2.2022

Order

No.

01.

1. Heard learned counsel for the Parties.
2. The Original Application involves the following prayer :-
“In view of the facts mentioned in para-6 above the applicant prays for the following relief(s) :-
 - (i) The Hon’ble Tribunal be pleased to quash the impugned rejection order at Annexure-12 and direct that the applicant’s service be made regular, he having continued in the workcharged establishment for many decades and he be given his pension and pensionary benefits in his post of Driller as a regular employee with effect from the date of his retirement and the arrear dues towards pension be paid to him after adjusting the dues, if any, and he be paid his regular monthly pension continuously. And the Hon’ble Tribunal be pleased to pass such other/orders as is deemed fit and proper in the facts and circumstances of this case.
3. Taking this Court to the pleading and the development through a similarly situated case, learned counsel for the Petitioner claimed that for there is already a direction by a coordinate Bench of this Court in considering a similar case to be considered in the light of a decision rendered by the Tribunal in O.A. No.84 of 1987 being confirmed by the

Hon'ble apex Court in disposal of Special Leave to Appeal (Civil) No.12410 of 1990, similar direction may also be issued in the present case.

4. Mr.S.P.Panda, learned Additional Government Advocate objected on the existence of such Petitioner looking to the age of the Petitioner at the time of filing of the Application in 2007.

5. Be that as it may, this Court since finds the claim is made on the basis of an order of a coordinate Bench, and there is no possibility of a second view this Court disposes of the Writ Petition simply directing the Competent Authority to consider the case of the Petitioner looking to the applicability of the judgment of the Tribunal in O.A. No.84 of 1987 passed on 18.5.1990 being confirmed by the Hon'ble apex Court in Special Leave to Appeal (Civil) No.12410 of 1990 undertaking such exercise on the filing of a copy of the said judgment referred to herein above along with copy of this order at least within a period of three months from the date of communication of this order. While considering the judgment of the Tribunal, the Competent Authority shall also consider the applicability of the order of this Court dated 11.7.2008 passed in W.P.(C) No.12470 of 2006 to the case at hand.

(Biswanath Rath)
Judge

M.K.Rout