

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16965 of 2022

Subash Parichha

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.09.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

"It is, therefore, prayed that this Hon'ble Court may graciously be pleased to issue notice to the opp. parties calling upon them to file show cause as to why order of rejection dated 20.05.2022 under Annexure-8 shall not be quashed/ set aside as the said order has been passed contrary to the judgment passed by the Hon'ble Apex Court of India in case of Prem Singh and others in Civil Appeal No.6798 of 2019 dated 2.9.2019 as well as order passed by this Hon'ble Court in W.PC (OAC) No 3494 of 2013 dated 14.7.2021 under Annexure -5 and order dated 27.7.2021 passed under Annexure -6 and after hearing the parties be pleased to quash/set aside the order of rejection dated 20.5.2022 issued by the opp. party no. 1 under Annexure -8.

A further direction be issued to the opp. parties to release pension in favour of the petitioner with effect from 1.1.2013 by counting his entire period of service under Work Charged Embellishment from 22.09.1970 to 31.12.2012 as have already been extended to 19 similarly placed persons vide order dated 24.8.2021 passed by the

opp. party no.1 and release all arrears; within a date to be fixed by this Hon'ble Court.

And pass such other order/orders granting complete relief to the Petitioner.

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

4. It is submitted by learned counsel for the Petitioner that similar issue has been decided by this Court vide order dtd.13.09.2022 in W.P.(C) No. 21449 of 2022.

5. Mr. Mishra, learned AGA was also provided with the copy of the said order and he also submitted that the issue involved in the present case is covered by the said decision.

6. In view of that this Court while quashing the impugned order dtd.20.05.2022 directs the Opp. Parties to act in terms of the order passed by this Court on 13.09.2022 in W.P.(C) No.21449 of 2022. The Petitioner is directed to provide copy of this order along with the order passed in W.P.(C) No. 21449 of 2022 before the O.P. No. 1 for doing the needful in the matter within a period of three (3) days from the date of receipt of this order.

7. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha