

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17055 of 2022

*Debakanta Sethy & Anr.* .... *Petitioners*

*Mr. Pravasha Pujaree Parida, Adv.*

*-versus-*

*State of Odisha and Ors.* .... *Opposite Parties*

*Mr. D. Munda, AGA*

CORAM:  
DR. JUSTICE S.K. PANIGRAHI

Order  
No.

ORDER  
18.07.2022

01.
  1. This matter is taken up through hybrid arrangement.
  2. Heard learned counsel for the parties.
  3. In this Writ Petition, the petitioners challenge the action of the opposite parties in not enrolling them in the old pension scheme as per Odisha Civil Services (Pension) Rules, 1992 though their selection was prior to commencement of new pension scheme.
  4. Learned counsel for the petitioners submits that this Court has earlier decided the similar issue in a batch of cases in **Ranjan Kumar Sahu & Ors. -vrs.- State of**

**Odisha and Ors.:** <sup>1</sup>, wherein the petitioners had made prayer to enroll them under the old pension scheme as per Odisha Civil Services (Pension) Rules, 1992. Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in **Ranjan Kumar Sahu** (supra).

5. Learned Additional Government Advocate for the State submits that he has no objection, if this matter is disposed of in the light of the judgment passed in **Ranjan Kumar Sahu** (supra).

6. On perusal of the records and the judgment passed in **Ranjan Kumar Sahu** (supra), it appears that this matter is similar to the case of **Ranjan Kumar Sahu** (supra) which was disposed of on 27.05.2022. The ordering portion of the said judgment is as follows.

*“22. This Court, therefore, quashes the impugned orders by which the representations of the Petitioners were rejected arbitrarily inasmuch as without assigning any reason in support of such rejection and direct that the Petitioners will be governed by the provisions of the old General Provident Fund (Orissa) Rules, 1938 and the Orissa Civil Service (Pension) Rules, 1992 as it stood prior to the amendments brought into the same and will be entitled to all the benefits, which were provided thereunder prior to such*

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<sup>1</sup> 2022(II) OLR 99

*amendments. The amendments brought into the above two Rules, will have prospective effect from the date, such amendments were notified.*

*23. Having considered the matter in aforesaid perspective and guided by the precedents cited hereinabove, this Court allows the petitions.*

*24. All the Writ Petitions are, accordingly, disposed of in terms of the above directions. There shall be no order as to costs."*

7. In view of the aforesaid judgment passed in **Ranjan Kumar Sahu** (supra), this Writ Petition is disposed of.

8. Urgent certified copy of this order be granted on proper application.



BJ