

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18806 of 2022

D.Mohan Rao Achary

.... **Petitioner**

-versus-

State of Odisha & Ors.

.... Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.08.2022

Order No

01. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.

3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) Directing the opp. parties to provide pensionary benefits as per Orissa Civil Service (Pension) Rules, 1992 and give the benefit of General Provident Fund (GPF) as per General Provident Fund Rules, 1938 prior to its amendment in term of Office Memorandum dated 01.05.2010 issued by the Govt. of Odisha, Finance Department as the petitioner was appointed prior to cut off date i.e. 01.01.2005 keeping in view of the judgments passed by this Hon’ble Court in the cases of Premananda Tripathy vrs. State of Odisha & Others (W.P.(C) No.27950 of 2019 disposed of on 3.2.2021. Recently this Hon’ble Court in the case of Basanti Behera vrs. State of Odisha & Others (W.P.(C) No.13314 of 2020 disposed of on 06.07.2021) relying on the decisions rendered in the case of Chandra Nandi –vrs- State of Odisha & Others (W.P.(C) No.19550 of 2011 disposed of on 03.02.2021), Premananda Tripathy –vrs- State of Odisha & Others (W.P.(C) No.27950 of 2019 dispose of on 03.02.2021) and State

of Odisha and Others –vrs-Jyostna Rani Patnaik and Others (W.P.(C) No.1534 of 2008 disposed of on 19.12.2016) and recently in the case of Suresh Lahajaj & Others vrs. State of Odisha & Others (W.P.(C) No.25918 of 2021 disposed of on 27.08.2021) and Kanchan Sahu & Others –vrs. State of Odisha & Others (W.P.(C) No.30044 of 2021 disposed of on 28.09.2021), and Harbans Lal vrs. The State of Punjab & Others (CWP NO.2371 of 2010, decided on 31.08.2010) by the High Court of Punjab and Haryana, which has been upheld by the Hon'ble Supreme Court I SLP(C) No.23578 of 2012 (SLP(C) NO.18901 of 2011, disposed of on 30.07.2021 (State of Punjab & Others vrs. Harbans Lal) and also in the case of Jeewan Lata vrs. State of Punjab & Others (CWP NO.10238 of 2017 (O&M), decided on 10.05.2019) with all consequential benefits within a time to be stipulated by this Hon'ble Court”.

4. Considering the submission made and without expressing any opinion on the merits of the case, the Petitioner is directed to make a fresh representation before the Opposite Party No.4 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, the Opposite Party No.4 shall do well to dispose of the representation within a period of three months. The decision so taken by the Opposite Party No.4 be communicated to the Petitioner within that time.

6. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge