

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1490 of 2008

Laxmidhar Mahapatra

.....

Petitioner

Mr. Manas Pati, Adv.

- Versus -

***Principal Secy. to Govt., Water
Resources Deptt & Ors.***

....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

18.01.2022

**Order No.
01**

This matter is taken up through video conferencing mode.

2. The petitioner has filed this writ petition seeking direction to opposite party no.5 to give all benefit to him against the post of Mechanic Gr.1 as per Orissa Govt. Service Rules and regularize his services by calculating 5 years of continuous service as work charged employee and give him all service benefits on that basis including pensionary benefit by disposing Annexure-15 immediately within a stipulated period.

3. Mr. Manas Pati, learned counsel for the petitioner contended that similar benefit has been extended to one Narusu Pradhan. As such the petitioner having stood in similar footing, he is entitled to grant all the benefits.

4. Learned State Counsel for the State contended that the petitioner has already retired from service and he was working as Mechanic Grade-I. He further contended that the claim of the petitioner cannot sustain in the eye of law.

5. It is contended that one Narusu Pradhan, a similar circumstanced person like the petitioner had filed O.A. No. 1189 (C) of 2006 praying for retrial benefits. The Tribunal allowed the retrial pensionary benefits in his favour vide order dated 11.06.2009, which was challenged by the State before this Court in W.P.(C) No.

5377 of 2010. This Court dismissed the writ petition on 19.12.2011 and confirmed the order passed by the Tribunal. Thereafter against the order passed by this Court, the State has preferred SLP in Civil Appeal No. 22498 of 2012, the same was also dismissed on 07.01.2013.

6. In that view of the matter, the relief claimed by the petitioner is fully covered by the judgment of the Tribunal passed in the case of Narusu Pradhan, which has been confirmed by this Court as well as the apex Court. Thus the petitioner, having stood in similar footing, is entitled to get the benefits which have been extended to Narusu Pradhan and all the differential benefits and consequential benefits, as due and admissible to him, shall be granted to him in accordance with law within a period of four months from the date of communication of this order.

7. With the above observation & direction, the writ petition stands disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.