

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.20098 of 2022**

***Sasmita Mohapatra***

....

***Petitioner***

*Mr. Akshaya Kumar Pandey, Adv.*

*-versus-*

***State of Odisha and Ors.***

....

***Opposite  
Parties***

*Mr. Debasis Mohapatra, SC  
(for SME Deptt.)  
Mr. D. Mund, AGA*

**CORAM:  
DR. JUSTICE S.K. PANIGRAHI**

**ORDER  
24.09.2022**

**Order  
No.**

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. The present Petitioner who was initially appointed as Sikshya Sahayak prior to 01.01.2005 and whose services were regularized after 01.01.2005 has filed the present Writ Petition seeking a direction from this Court to the Opposite Parties to bring her under the coverage of Orissa Civil Services (Pension) Rules, 1992 and General Provident Fund (Orissa) Rules, 1938. Though the date of

her engagement was prior to cutoff date i.e. 01.01.2005, but her services were regularized after 01.01.2005. He further contends that a temporary employee who was appointed prior to the cut-off date and if his/ her services were regularized subsequent to the cut-off date, he/ she is entitled to get the benefit of old pension scheme by treating him/ her as an employee from the date of his/ her initial engagement/ appointment. Learned counsel for the Petitioner also relies upon the order of the Hon'ble Supreme Court passed in the case of **State of Punjab and others vs. Harbans Lal** (S.L.P.(C) No.18901 of 2011 disposed of on 30.07.2012). But unfortunately the same benefit has not been extended to the Petitioner. Hence, the Petitioner is constrained to approach this Court for redressal of her grievance.

4. In such view of the matter, let notice be issued to the Opposite Parties.

5. Mr. Debasis Mohapatra, learned Standing Counsel for the Department of School and Mass Education waives of notice on behalf of the Opposite Party Nos.1, 2, 4 and 5 and Mr. D. Mund, learned Additional Government Advocate for the State waives of notice on behalf of the Opposite Party No.3. Required number of copies of the

Writ Petition be served on them within three working days hence, who shall obtain instructions in the matter.

6. List this matter on 23rd November, 2022.

*(Dr. S.K. Panigrahi)*  
*Judge*

*B.Jhankar*

