

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.17659 OF 2016

Banambar Nayak

....

Petitioner

Mr.G.N.Mishra, Adv.

-versus-

Union of India & ors.

....

Opposite Party

Mr.P.K.Parhi, DSGI

Mr.D.Nayak, Adv.

Mr.S.K.Das, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.11.2022**

**Order
No.3**

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“It is, therefore, prayed that this Hon’ble Court may be graciously pleased to admit this writ petition, issue a Rule NISI in the nature of writ of Mandamus calling upon the opp.parties to show cause as to why they shall not be commanded to grant Govt. of India Pension to the Petitioner (Direct Recruits) of FCI, who have joined FCI after the year 1965 onwards so as to consider the ‘Pension’ at par with the transferred employee of the govt. or in the alternative to allow them the “maximum pension” under the EPS-1995 as per “Proviso” to Para-11(3) and Para-35 of the said Scheme by counting the “past service” “Pensionable Service” preceding to dated 16.11.1995, i.e. in terms of the amended provisions of the EPF and M.P. Act, 1952, Schedule-III, para-4 within a stipulated period of time by way of calling fresh options from the petitioner to contribute @ 8.33% for the entire pensionable period of service together with penal

interest and as to why they shall not be commanded to pay “Provisional Pension” to the eligible employee/petitioner till disposal of the writ application.

And if the Opp.Parties fail to show cause or show insufficient cause the said Rule be made absolute.”

3. Even though Petitioner claims to be guided by the pension scheme of the Food Corporation of India, unfortunately entire reading of the pleadings in the Writ Petition, this Court nowhere finds any semblance of materials at least for establishing that the Petitioner is the recruitee of Food Corporation of India and being direct recruited by the F.C.I. should be governed by the F.C.I. employees’ terms and conditions. For there is no foundation that the Petitioner has been recruited by the Food Corporation of India, this Court finds, the relief claimed for remains unentertainable.

4. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout