

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 20334 of 2018**

*State of Orissa & Ors.*

.....

*Petitioners*

*Mr. S.N. Nayak, ASC*

Vs.

*Niranjan Mallick & Anr.*

.....

*Opposite Parties*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MR. JUSTICE S. K. MISHRA**

**ORDER**

**02.08.2022**

**Order No.**

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This matter is taken up through hybrid mode.

2. Heard Mr. S.N. Nayak, learned Additional Standing Counsel appearing for the Petitioners-State.

3. Even though notice has been made sufficient against Opposite Party No.1, none appears for him at the time of call.

4. The State and its functionaries have filed this writ petition challenging the order dated 15.01.2018 passed in O.A. No.4279(C) of 2013, by which the Odisha Administrative Tribunal, Cuttack Bench, Cuttack, while quashing Annexure-9 dated 15.12.2012 to the said O.A., has directed the State-Petitioners to take so much period of service from the DLR/NMR period and add to the regular service of Opposite Party No.1 to make him eligible for minimum pension, as due and admissible.

5. Opposite Party No.1, who retired as 'Khalasi', was denied minimum pension vide Order dated 15.12.2012 under Annexure-9 to the O.A. on the ground that he had not completed ten years of service in the pensionable establishment.

6. The case of Opposite Party No.1 is that he was initially engaged as NMR/DLR in the year 1979 and was brought over to the regular establishment on 19.06.2001 vide Annexure-4 to the O.A. He was fallen short of few months to complete the qualifying period of service of ten years and thereby, he was

deprived of minimum pension. As per the Order of the Tribunal passed in O.A. No.3574(C) of 2011 in Annexure-11 to the O.A., an employee is entitled to minimum pension by taking into consideration the period of service rendered as DLR/NMR in order to make him eligible for minimum pension. Thereby, it is contended that the case of Opposite Party No.1 is fully covered by the Order of the Tribunal and the State-Petitioners should be directed to extend such benefit.

7. The Tribunal, after due consideration, taking into account the objection raised by the Petitioners, examined the Order passed in O.A. No.3574(C) of 2011 at Annexure-11 to the O.A., wherein direction was given to add so much period of service from DLR/NMR to compute ten years of qualifying service for the purpose of pension and the said Order of the Tribunal is supported by the Order of the Tribunal in O.A. No.412(C) of 2008, which has been confirmed by this Court in W.P.(C) No.12377 of 2009. Thereby, Opposite Party No.1 cannot be denied the benefit of minimum pension, as due and admissible to him.

8. Therefore, the Tribunal is well justified in passing the Order dated 15.01.2018 in O.A. No.4279(C) of 2013, which does not warrant interference of this Court. Accordingly, the Writ Petition merits no consideration and the same is dismissed.

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**(DR. B.R. SARANGI)**  
**JUDGE**

.....  
**(S. K. MISHRA)**  
**JUDGE**