

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 25326 of 2022

Subal Meher & Ors.

....

Petitioners

Mr.Gyana Ranjan Sethi, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

ORDER

No.

27.09.2022

02. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. Learned counsel for the petitioners submits that the petitioners have filed this writ petition challenging the actions of the opposite parties in not enrolling them under OCS (Pension) rules 1992 though their selection is prior to commencement of new pension scheme. Further the petitioners have challenged the discriminatory action of the opposite parties in treating them in a different manner as the persons selected and appointed in the same selection process have been enrolled under old pension scheme which is violation of the fundamental rights.

4. At the outset, learned counsel for the Petitioners submits that this Court has earlier decided the similar issue in the case of ***Ranjan Kumar Sahu & Ors vrs. State of Odisha & Ors.*** Vide common judgment dated 27.05.2022 passed in W.P.(C) No.3244 of 2022 and other two Writ Petitions. Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in the case of ***Ranjan Kumar Sahu*** (supra).

5. Learned Standing Counsel for the Additional Government Advocate submits that he has no objection, if this matter is disposed of in the light of the judgment passed in the case of ***Ranjan Kumar Sahu*** (supra).

6. On perusal of the records and the judgment passed in the case of ***Ranjan Kumar Sahu*** (supra), it appears that similar issue has already been decided by this Court in the said judgment which was disposed of on 27.05.2022.

The ordering portion of the said judgment is as follows:

“22. This Court, therefore, quashes the impugned orders by which the representations of the Petitioners were rejected arbitrarily inasmuch as without assigning any reason in support of such rejection and direct that the Petitioners will be governed by the provisions of the old General Provident Fund(Orissa) Rules, 1938 and the Orissa Civil Service (Pension) Rules 1992 as it stood prior to the amendments brought into the same and will be

entitled to all the benefits, which were provided thereunder prior to such amendments. The amendments brought into the above two Rules, will have prospective effect from the date, such amendments were notified.

23. Having considered the matter in aforesaid perspective and guided by the precedents cited hereinabove, this Court allows the petitions

24. All the Writ Petitions are, accordingly, disposed of in terms of the above directions. There shall be no order as to costs.

7. In such view of the matter, this Writ Petition is disposed of in the light of the common judgment dated 27.05.2022. passed in W.P.(C) No.3244 of 2022 and two other Writ Petitions. The authorities shall examine the present Writ Petition in the light of the common judgment dated 27.05.2022. passed in W.P.(C) No.3244 of 2022 and if the issue involved therein is squarely covered in the present case, the authorities shall consider the Petitioners' case in accordance with law as expeditiously as possible preferably within a period of three months from the date of production of a copy of this order.

8. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge