IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.1009 of 2018

Harihar Shaw …. Petitioner

-versus-

State of Odisha & Ors. …. Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
12.09.2022

Order No

01. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. P.K. Mohapatra, learned counsel for the petitioner, Mr. M.K. Balabantaray, learned Standing Counsel appearing for the State-Opp. Parties and Mr. S.K. Patra, learned counsel appearing for the Accountant General.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to count his past service rendered in the Job-Contract Establishment for the purpose of pension and pensionary benefit within a stipulated period.

4. Mr. Mohapatra, learned counsel for the petitioner contended that similar matter has come up before this Court in O.J.C. No. 2405 of 1985 and after constitution of the Odisha Administrative Tribunal the same was transferred to the Tribunal and registered as T.A. No. 11 of 1993. The said case was disposed of on 21.10.1994 by the learned Tribunal by following the decisions of the Apex Court and

by giving direction to the competent authority to count the past service rendered by the petitioner in Job Contract Establishment towards pension and pensionary benefit and after such orders were passed, pension of the petitioner was directed to be calculated, drawn and disbursed in his favour within two months from the date of receipt of the copy of the judgment. The order passed in T.A. No. 11 of 1993 was challenged before the Apex Court by the State, which was dismissed vide order dated 17.07.1995.

5. It is further contended that similar matter has also come up before this Court in O.J.C. No. 2147 of 1991, which was decided on 24.03.1992 and this Court has considered the case of Job Contract employees for regularization of service and for pension and pensionary benefits. In O.A. No. 3020 (C) of 2003 (Nityananda Biswal v. State of Orissa and others), the Tribunal vide order dated 04.01.2004 also directed that the period of the engagement of the petitioner in job contract establishment should be taken into account as qualifying service and accordingly his pension and other pensionary benefits be revised and paid to the petitioner therein. The order passed in O.A. No. 3020 (C) of 2003 was also challenged by the State before this Court in W.P.(C) No. 14244 of 2006. This Court vide order dated 09.04.2014 dismissed the writ application preferred by the state against the order passed by the Tribunal. The state also preferred Special Leave to Appeal (C) No. 12573 of 2015 against the order passed by this Court in W.P.(C) No. 14244 of 2006, which was dismissed by the apex Court vide order dated 13.07.2015.

6. In view of the above settled position of law, nothing remains to be reconsidered by this Court. Accordingly the opposite parties are directed to extend all such benefits in favour of the petitioner in

terms of the directions given by the Courts as mentioned above, as expeditiously as possible, preferably within a period of three months from the date of communication of the certified copy of the order.

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

8. Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge

Sneha