

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.2666 of 2015

Narayan Praharaj

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.09.2022

Order No

4.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. G. Sinha, learned counsel for Petitioner, Mr.Ch. S. Mishra, learned Addl. Government Advocate for the State.
- 3.** The present Writ Petition has been filed with the following prayer:-

“To hold that the Orissa Civil Services (Pension) Amendment Rules, 2005 has no retrospective application to the advertisement made prior to 1.1.2005 and as such cannot be applied to the case of the applicant and accordingly be pleased to declare that the applicant is to be covered under the pre-amended Orissa Civil Services (Pension) Rules, 1992 i.e. as it stood prior to the amendment made on 17.9.2005, and further be pleased to direct the respondents to allow the applicant to subscribe to his GPF account as was allowed to OAS officers recruited pursuant to the advertisement made during 2000”

- 4.** It is submitted that similar claim as made has been allowed by the learned Tribunal in its order dtd. 03.04.2019 in OA No.1106 of 2015. It is also submitted that the said order

passed by the learned Tribunal has been confirmed by this Court in its order dated 05.10.2021 in W.P.(C) No.29224 of 2020.

5. The aforesaid submission of the learned counsel for the Petitioner was not disputed by the learned counsel appearing for the Opposite Parties.

6. In view of the fact that similar claim has been allowed by the learned Tribunal and confirmed by this Court, this Court directs Opp.Party to extend the benefit as prayed for in the writ Petition in favour of the Petitioner, if there is no other legal impediment. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this order.

7. The Writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

sangita

