

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.2818 of 2016

Radhanath Acharya

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

09.03.2023

Order No

4.

1.

This matter is taken up through Hybrid Mode.

2.

Heard Mr. A. Rath, learned counsel for Petitioner and Mr. S.K. Samal, learned Addl. Government Advocate for the State-Opposite Parties.

3.

The present Writ Petition has been filed challenging the order dated 23.07.2016 passed by the Govt.-Opposite Party No.1 under Annexure-22, whereby the prayer of the Petitioner to sanction pension and pensionary benefits by treating him as a Government employee was rejected.

4.

It is contended that even though the Petitioner was appointed by the Orissa Lift Irrigation Corporation Ltd., vide order of appointment issued under Annexure-1, but subsequently he was absorbed by the Government and retired while working under the Government. Accordingly the Petitioner is entitled to get the pension and pensionary benefits as the Government employee. But when the same was not extended the Petitioner approached this Court in W.P.(C) 15496 of 2011. This Court vide order dated 05.04.2016 directed the Opposite Party No.1 to consider the claim of the Petitioner. In terms of the

said order, Opposite Party No.1 passed the impugned order at Annexure-22, by holding that the Petitioner was never a Government employee and accordingly he is not entitled to get the benefit of pension and pensionary benefits.

4.1. Mr. Rath, learned counsel for the Petitioner further contended that basing on the decision taken by the Government at different point of time similarly situated employees though were absorbed by the Government, but the Petitioner's case was never considered during his service career and accordingly he was denied the benefit of pension as a Government employee. However, during course of argument, Mr. Rath prays for withdrawal of the writ petition with a liberty to approach the Government seeking his absorption as a Government employee.

5. In view of such prayer, this Court while is not inclined to interfere with the impugned order dated 23.07.2016, grants liberty to the Petitioner to make appropriate application before the Government seeking his absorption as a Government employee.

6. With the aforesaid liberty, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat