

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.274 of 2015

Susanta Kumar Tripathy

.....

Petitioner

Mr. P.K. Behera, Adv.

-Versus-

State of Odisha & others

... ..

Opp. Parties

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE C.R. DASH

ORDER

26.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. P.K. Behera learned counsel for the petitioner and Mr. Kanungo, learned Addl. Government Advocate for the State.
3. The petitioner has preferred the Original Application seeking a direction to the Opp. Parties to consider his case to re-induct/take back him into service and allow him to continue in service up to 60 years of age, as the age of retirement has already been enhanced to 60 years by the State Government. He has further prayed to treat his retirement period up to the age of 60 years as qualifying service for all purpose and pay him salary, pension and gratuity for the said period with all consequential benefits.
4. That as per the Finance Department Resolution No.19408/F, dated 28.06.2014, the appropriate Government have decided to enhance the retirement age of State Government employees on superannuation from 58 years to 60 years with immediate effect.

5. The petitioner, however, retired from Government service on superannuation on 31.12.2013. On the basis of the Finance Department Resolution dated 28.06.2014, he claims pensionary benefits, treating the age of his retirement as 60 years.

6. From perusal of the aforesaid Resolution dated 28.06.2014 of the Finance Department, it is clear that, the aforesaid Resolution has no retrospective effect and, as such, the petitioner is not entitled to get any benefit under the aforesaid Resolution dated 28.06.2014.

7. With the aforesaid observation, the WPC(OAC) is disposed of.

8. Urgent certified copy of this Order be granted as per rules.

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(C.R. Dash)
JUDGE

Subha





