

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.1392 of 2015

Susama Das

.... ***Petitioner***
Mr. S. Behera, Advocate

-versus-

State of Odisha & Others

.... ***Opposite Parties***
Mr. L. Samantaray, AGA for Opp. Party
Nos. 1,2&3
None for Opp. Party No.4

CORAM:
JUSTICE M.S. RAMAN

ORDER

21.06.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 1392 of 2015 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 1392 of 2015.
3. Mr. S. Behera, learned counsel for the Petitioner submitted that being aggrieved by the communication of Accounts Officer from the Office of the Accountant General (A & E) Odisha, Bhubaneswar to the Chief District Medical Officer, Kendrapara, wherein it is directed to stop G.P.F. deduction and cancel the G.P.F. account numbers forthwith in respect of those employees who were working on contractual basis prior to 1st January, 2005 and regularized after 1st January, 2005, the Petitioner filed Original Application

before the Odisha Administrative Tribunal. The Petitioner has submitted that she was appointed as Staff Nurse on contractual basis in the year 2003 and was regularized vide order dated 28th February, 2009, after completing six weeks of uninterrupted continuous service. By virtue of said order dated 28th February, 2009 issued by Chief District Medical Officer, Kendrapara it has been specified that she is allowed to revised pay band with grade pay as per the Odisha Revised Scale of Pay Rules, 2008 with other allowance as admissible from time to time.

4. Mr. S. Behera, counsel for the Petitioner further submitted that many other similarly situated Staff Nurses have challenged before this Court similar letter, whereby there was a direction for cancellation of G.P.F. account and stoppage of G.P.F. deduction in respect of those who have been regularized after 1st January, 2005. This Court in one of the cases namely ***Smt. Julli Bagarti Vrs. State of Odisha & Others***, WPC (OAC) No. 1131 of 2015, disposed of by order dated 13th May, 2022 has been pleased to set aside the identical communication of Accounts Officer which is at Annexure-7 to the present writ petition and directed to maintain the position of the Petitioner so far it relates to continuance in the G.P.F. Scheme from the date of her regularization. The present is being identical to the said case the matter requires equal consideration.

5. Mr. L. Samantaray, learned Additional Government Advocate submitted that the factual position in both the cases are identical.

6. In such view of the matter the present writ petition is disposed of in terms of order dated 13th May, 2022 passed in WPC (OAC) No. 1131 of 2015.

(M.S. Raman)
Judge

Laxmikant

