

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (O.A.C.) No.1389 of 2015

Mamata Dash

Petitioner
....
Mr. P.K. Dhal, Advocate

-versus-

State of Odisha and others

Opposite Parties
....
Mr. Prasanna Kumar Mohanty,
Additional Standing Counsel

**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.1389 (C) of 2015 was filed before the Orissa Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No.1389 of 2015.
 3. The Petitioner while working as staff nurse was regularized in service vide order No.6771, dated 19.09.2007 (Annexure-2). It is stated in the said order that the Petitioner was initially appointed as contractual staff nurse during the year 2002.
 4. Mr. Dhal, learned counsel for the Petitioner submitted that even though the regularization of service of the Petitioner has been made in the year 2007, since she has been engaged as staff nurse in the year 2002 on construal basis, she is entitled to the benefit as envisaged under the Odisha Civil Services (Pension) Rules, 1992. Nonetheless, the Petitioner is aggrieved by the office order dated 10.04.2015 issued by the Sub-Divisional Medical Officer, Jeypore in the district of

Koraput based on communication of Accounts Officer from office of the Principal Accountant General (A &E), Odisha, Bhubaneswar, whereby it has been stated that the Petitioner, who was appointed on contractual basis prior to 01.01.2005 and regularized after 01.01.2005 would not be entitled to GPF deduction and in the said order, it has been directed to stop GPF deduction and cancellation of GPF allotment order.

5. Mr. Dhal, learned counsel for the Petitioner has cited a co-ordinate Bench decision of this Court in the case of ***Smt. Julli Bagarti Vrs. State of Odisha & Others***, WPC (OAC) No. 1131 of 2015, disposed of by order dated 13th May, 2022. This Court has been pleased to set aside the communication of Accounts Officer of the Office of the Accountant General whereby similar directions were issued 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 case being identical to the said case, the matter requires equal consideration.

6. Mr. Mohanty, learned Additional Standing Counsel submitted that the factual position in both the cases are identical.

7. 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.

Urgent certified copy of this order be granted on proper application.

(M.S. Raman)
Judge