

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (O.A.C.) No.1429 of 2015

Mamata Naik and others ***Petitioners***
Mr. L.P. Dwivedy, Advocate
-versus-
State of Odisha and others ***Opposite Parties***
Mr. Prasanna Kumar Mohanty,
Additional Standing Counsel

**CORAM:
JUSTICE M.S. RAMAN**

ORDER

20.06.2022

Order No.

01. 1. This matter is taken up through virtual/physical mode.
2. The Original Application No.1429 (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.1429 of 2015.
3. It is submitted by Mr. Dwivedy, learned counsel for the Petitioners that the Petitioners were initially engaged as staff nurse on contractual basis in the year 2003 and subsequently their services have been regularized in the year 2009 vide order No.3487/CDMO/Estt.(PH) dated 22.05.2009 (Annexure-2) issued by the Chief District Medical Officer, Sundergarh. It is pointed out by referring to Annexure-2, i.e. the order dated 22.05.2009 that in the table appended to said order at Sl Nos.9, 1, 4, 2, 7 and 13, the names of the Petitioners appear and column No.4, their date of first joining under OHSDP have been recognized as “2003”. In view of the same, it is claimed by the Petitioners that their engagement being prior to 01.01.2005, they are entitled to the benefit under the Odisha Civil Services (Pension) Rules, 1992. Therefore, the Petitioners contended that the letter dated 30.12.2014 issued by the Accounts Officer from the office of the Principal Accountant

General (A & E), Odisha, Bhubaneswar directing for cancellation of the GPF account numbers in respect of the contractual employees working prior to 01.01.2005 and regularized after 01.01.2005 is liable to be set aside and direction to stoppage of GPF deduction of the Petitioners is liable to be withdrawn.

4. Mr. Dwivedy, learned counsel for the Petitioners 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 Petitioners so far it relates to continuance in the G.P.F. Scheme from the date of their regularization. The present case being identical to the said case, the matter requires equal consideration.

5. Mr. Mohanty, learned Additional Standing Counsel 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.

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

(M.S. Raman)
Judge

Jyostna