

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OA) No.2957 OF 2014

Asutosh Rath

....

Petitioner(s)
Mr.P.Mohapatra,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr.U.K.Sahoo,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
22.09.2022

Order No.

06.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer:-

“The humble applicant most respectfully prays that this Hon’ble Tribunal be graciously pleased to:-

- i) Admit and allow this OA with exemplary costs.
- ii) Direct respondents to allow the applicant to be governed under the O.C.S (Pension) Rules, 1992 and the General Provident Fund Rules, 1938 and not under the new restructured defined contribution pension scheme.

AND

- iii) Pass such other order/direction as may be deemed proper to meet the ends of justice.”

3. There is no dispute at Bar that considering similar nature of case, there has been disposal of number of Original Applications being transferred to this Court registered as Writ Petitions, vide WPC(OA) Nos.901 of 2017 and 335/2015. It appears, the matter even at some level visited the Hon’ble Supreme Court and there has been dismissal of the State’s plea involving SLP(C) No.23578 of 2012 in confirmation of the order of the Tribunal involved. Reading through series of

judgments/orders produced herein, this Court finds, the question involves herein has long been settled thereby declaring to maintain the position of the Petitioner like that of the present Petitioner, so far it relates to continuance in the GPF Scheme from the date of his regularization.

4. Considering the rival contentions of the Parties, this Court ultimately finds, there is no dispute with regard to settled position of law on the question involved herein. In the process, allowing the Writ Petition, this Court directs treatment of the Petitioner in the GPF Scheme from the date of his regularization. Direction of this Court be worked out within a period of eight weeks of service of copy of this order.

5. Writ Petition succeeds.

(Biswanath Rath)
Judge

Swarna