

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.1637 OF 2015

Sandhyarani Nikhandia

....

Petitioner(s)

Mr.P.Mohapatra,
Advocate

-versus-

State of Odisha and others

....

Opposite Party(s)

Mr. S.Mishra,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
28.07.2022

Order No.

02.

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

“It is, therefore, most humbly prayed that this Hon’ble Tribunal be graciously pleased to admit this Original Application, issue notices to the Respondents to show cause, and upon insufficient/no cause shown be further pleased to quash the letter dated 18.12.2014 (Annexure-4) and further direct the Respondent to continue the Applicant as GPF Account holder and extent all pensionary benefits under OCS Pension Rules, 1992 and GPF (Orissa), Rules, 1938.

And further be pleased to pass such other order(s) as may deem just and proper.

And for this act of kindness the Applicant as in duty bound shall ever pray.”

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 visisted 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 her 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 sets aside the order at Annexure-4 and directs treatment of the Petitioner in the GPF Scheme from the date of her 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