

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.1448 of 2014

Srimati Swagatika Panda

....

Petitioner

Ms. Kabita Mohanty, Advocate on behalf
of Mr. Anil Kumar Das, Advocate
-versus-

State of Odisha & Others

....

Opposite Parties

Mr. R.C. Pattnaik, ASC for School
and Mass Education for Opp. Party No.1,2,4 &5
and Mr. S.C. Patra, Advocate for Opp. Party No. 3

CORAM:
JUSTICE M.S. RAMAN

ORDER

29.04.2022

Order No.

05.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 1448 of 2014 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 1448 of 2014.
3. The Petitioner, being engaged by Inspector of School, Sundergarh by execution of an agreement dated 12th February, 2004 to function as contract teacher in T.G Arts-At-Bandhabahal Girl's High School vide order No.979 dated 14th February, 2004, was regularized in the service with effect from 17th February, 2010 while functioning in the School "Government Girls' High School, Sundergarh".
4. The Petitioner has claimed that her case was required to be considered for extension of benefits under the Odisha Civil Services (Pension) Rules, 1992 since she was engaged prior to 2005. It is submitted that the Odisha Civil Service

(Pension) Amendment Rules, 2005 which came into force with effect from 1st January, 2005, has no application to the facts of the case, since he has been engaged as contract teacher in the year 2004.

5. Vide office order dated 8th December, 2011 (Annexure-2) the Inspector of Schools , Sundergarh has stipulated certain terms and conditions inter alia;

“5. The pensionary benefits admissible to the State Govt. Servants under the newly restructured defined contribution scheme as per the amended provision for the Orissa Civil Service (Pension) Rules, 1992 vide Finance Department Notification No.44451/F dated 17th September, 2005 shall be applicable to those teachers.”

6. The Petitioner is undisputedly governed under the condition at Annexure-2. However, taking resort to the clarification of the Finance Department, the Petitioner attempted to take his service condition to be governed under the OCS (Pension) Rules, 1992. For the opinion of this Court that, unless the Petitioner challenges the condition attached under the Clause 5 of the regularization order at Annexure-2, the Petitioner has no right to claim in the manner claimed herein. The learned counsel for the Petitioner prayed for withdrawal of this application with liberty to file fresh petition the Petitioner to come up with appropriate material.

4. The WPC(OA) stands disposed of as withdrawn, but with liberty as prayed for.

(M.S. Raman)
Judge