

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No. 1555 of 2016

Sukalata Behera

....

Petitioner

-versus-

**SECY., Water Resources Dept.
& Ors.**

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

**ORDER
02.08.2022**

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel for the Petitioner and learned counsel for the State.

3. The husband of the Petitioner had filed this writ Petition seeking direction to opposite parties to allow pension in his favour after regularizing his service after completion of 5 years of service in work charged establishment with all consequential benefits.

4. Mr. Samal, learned counsel for the Petitioner contended that similarly situated persons had approached the Orissa Administrative Tribunal in O.A. No.1513(C) of 2009 and O.A. No.2348 (C) of 2009, which was disposed of on 11.06.2009 and 18.06.2018 respectively. Challenging the said orders, State has preferred W.P.(C) No.27950 of 2019 and W.P.(C) No.19550 of 2011, which was disposed of on 03.02.2021 confirming the

orders passed by the Tribunal. Thereby, there is a direction from this Court that the Petitioner therein should be treated to have been regularized in service at least one day prior to his superannuation, by creating supernumerary post, if necessary and accordingly, he shall be extended with the pensionary benefits as would be admissible to him. It is contended that in view of the orders passed by this Court, the husband of the Petitioner being on the same footing, is entitled to get the benefit of the said order. Accordingly, this writ Petition may be disposed of in the light of the order dated 03.02.2021 passed by this Court as the said order has not been challenged before the apex Court till date.

5. Considering the limited nature of grievance of the Petitioner, this writ Petition is disposed of directing the opposite parties to consider the grievance of the Petitioner in the light of the orders passed in W.P.(C) No.27950 of 2019 and W.P.(C) No.19550 of 2011, disposed of on 03.02.2021 and pass appropriate order in accordance with law and extend the benefits to the Petitioner, if the husband of the Petitioner was otherwise eligible pursuant to said order as expeditiously as possible within a period of four months from the date of communication of this order.

6. With the aforesaid observation and direction, the writ Petition stands disposed of.

7. Issue urgent certified copy as per Rules.

(Biraja Prasanna Satapathy)
Judge

Sneha