

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) Nos. 30957 of 2021

**along with W.P.(C) Nos. 6725, 20596, 27190
and 34422 of 2021**

W.P.(C) No.30957 of 2021

Rupesh Kumar Biswal ***Petitioner***
-versus-
State of Odisha and Others ***Opposite Parties***

W.P.(C) No.6725 of 2021

Manas Kumar Nayak and Others ***Petitioners***
-versus-
State of Odisha and Others ***Opposite Parties***

W.P.(C) No.20596 of 2021

Banchhanidhi Naik ***Petitioner***
-versus-
State of Odisha and Others ***Opposite Parties***

W.P.(C) No.27190 of 2021

Prasanta Kumar Mallick ***Petitioner***
-versus-
State of Odisha and Others ***Opposite Parties***

W.P.(C) No.34422 of 2021

Prabir Kumar Mishra and Others ***Petitioners***
-versus-
State of Odisha and Others ***Opposite Parties***

Advocates, appeared in these cases:

For Petitioner(s) : Mr. Sameer Kumar Das, Advocate
Mr. Sanjib Mohanty, Advocate

For Opposite Parties : Mr. P.K. Muduli
Addl. Govt. Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIAK**

Order No.

**ORDER
19.04.2022**

03. 1. The only reason why the Petitioners have not been given the benefits is explained in para 8 of the counter affidavit of opposite Party No.5 in W.P.(C) No.27190 of 2021, in the following manner:

“8.In response, Additional Secretary to Government of Odisha, Home Department vide letter No.1705 dated 20.01.2022 while conveying and basing upon the observation of the Finance Department has intimated that it is not possible to grant the benefit of inclusion of the services in the pensionable establishment under the provisions of O.C.S. (Pension) Rules, 1992 and deduction of G.P.F. amount under the G.P.F.(O) Rules, 1938 in favour of the aforesaid four employees of the Orissa High Court, since, they have not in their favour any judicial order for making the old pension Rules applicable in their case or for consideration of their case citing the earlier order.”

2. It is clarified that the judicial order earlier passed in W.P.(C) No.15433 of 2012 (Anand Dash v. State of Odisha) will be made applicable to all the present Petitioners as well. Consequently, the same direction will stand issued in these petitions.
3. The rejection order dated 6th August, 2021 (Annexure-5) challenged in W.P.(C) No.30957 of 2021 is hereby quashed.

4. The writ petitions are disposed of in the above terms.
5. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/Secy.

