

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2877 of 2016

Dr. Tapaswini Sethi

.....

Petitioner

Mr. K.C. Sahu, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this writ petition to quash the order under Annexure-7 series and to direct opposite parties to govern her under the old OCS (Pension) Rules, 1992 and existing GPF (O) Rules and not under the new restructured defined pension scheme as per the Finance Department Memorandum dated 17.09.2005.

4. Learned counsel for the petitioner contended that similar matter had come up for consideration before the Odisha Administrative Tribunal in O.A. No.98 of 2015, which has been disposed of on 19.05.2017 holding that the petitioner should be extended the benefit under the old pension Rule and accordingly, direction has been given to open his GPF account. Challenging the said order passed by the Tribunal, the State approached this Court by filing W.P.(C) No.22057 of 2019, which has been dismissed vide order dated 15.07.2021. It is also contended that in view of judgment passed by the Punjab and Haryana High Court in *Harbans Lal v. State of Punjab*, the benefit should be extended to the petitioner. It is further contended that the apex Court has also dismissed the appeal preferred by the State against the order passed in *Harbans Lal (supra)* in SLP(C) 17901 of 2011 vide order dated 30.07.2012. Against

the said order though review was filed, the same has also been dismissed by the apex Court. Thereby, the benefit should be extended to the petitioner in accordance with law. Therefore, it is contended that the petitioner may be granted liberty to move a fresh representation before the authority within a period of two weeks from today, so that the same can be considered in accordance with law keeping in view the aforesaid judgments mentioned as above.

5. Learned Counsel for the State contended that if the petitioner is permitted to approach the authority by filing fresh representation annexing the copies of the aforesaid judgments, direction may be issued to the authority to consider the same and pass appropriate order in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this Court sets aside the order under Annexure-7 series and remits the matter back to the authority to consider the fresh representation of the petitioner in terms of the aforementioned judgments as expeditiously as possible preferably within a period of three months from the date of communication/production of the authenticated copy of this order.

7. With the aforesaid observation and direction, the writ petition is disposed of.

Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI)
JUDGE