

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1126 OF 2017

Banamali Samal & Ors.		Petitioners
		<i>Mr. S. Behera, Advocate</i>
	Vs.	
State of Odisha & Ors.		Opposite parties
		<i>State Counsel</i>

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER
20.10.2022

Order No.
06.

This matter is taken up by hybrid mode.

2. Heard Mr. S. Behera, learned counsel for the petitioners and Mr. J. P. Pattnaik, learned Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking to quash the letter dated 08.01.2007 under Annexure-8 issued by opposite party no.2 and further to declare that they are entitled to get pension and other retiral dues after their retirement.

4. Mr. S. Behera, learned counsel appearing for the petitioners contended that though the petitioners were initially denied the pensionary benefit, but subsequently the Government of Odisha S.T. & S.C. Development Department vide letter dated 24.05.2017 under Annexure-17 intimated to all PA ITDAs & Spl. Officer, Micro Projects to furnish information by return e-mail on “Last Pay & Grade Pay” of the directly appointed retired staff of ITDAs and Micro Projects along with copy of the last pay certificate for necessary compilation of the data for sanction of pensionary benefit in favour of the petitioners.

5. Mr. J. P. Pattnaik, learned Government Advocate appearing for the State-opposite parties contended that now the State has already taken a decision to extend the pensionary benefit to the directly appointed retired staff of ITDAs and Micro Projects. Therefore, the claim of the petitioner to grant pensionary benefit no more subsists.

6. Having heard learned counsel for the parties and after going through the records, it appears that against the denial for grant of pensionary benefit, the petitioners have approached this Court. But the Government of Odisha S.T. & S.C. Development Department has taken a decision to sanction pensionary benefit to the directly appointed retired staff of ITDAs and Micro Projects pursuant to letter dated 24.05.2017 under Annexure-17. Thereby, the letter dated 08.01.2007 under Annexure-8 issued by opposite party no.2 denying to sanction pensionary benefit to the petitioners cannot be sustained in the eye of law. Accordingly, the same is liable to be quashed and is hereby quashed.

7. In that view of the matter, this Court disposes of the writ petition directing the opposite parties to implement the decision taken by the Government pursuant to letter dated 24.05.2017 under Annexure-17 and extend the pensionary benefit to the petitioners as expeditiously as possible, preferably within a period of six months from the date of communication/production of certified copy of this order.

8. Issue urgent certified copy as per rules.