

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1679 of 2017

Suresh Kumar Pradhan

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.12.2022

Order No

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

2. Heard Mr. Sanjib Mohanty, learned counsel for the Petitioner and Mr. D.K. Mohanty, learned Addl. Standing Counsel appearing for the Opp. Parties.

3. The original Petitioner, who was a job contract employee, had approached this Court with the following prayer:-

“Under such circumstances, it is humbly prayed that this Hon'ble Tribunal may kindly be pleased to admit the case and issue notice to the respondent to file their show cause as to why the case of the applicant shall not be allowed and after hearing the parties, the case of the applicant be allowed and pass necessary order by modifying aside the cut off date fixing by the respondent No. 1 in Annexure-3 dt.19.12.2015 and further direction be given for sanction and disbursement of pensionary dues in favour of the applicant and the arrear dues to that respect be paid to the applicant within a stipulated period along with interest.

And/or pass any other order(s) which deem fit and proper for adjudication of the case.”

4. It is contended that the original Petitioner was superannuated from his service on attaining the age of superannuation on

31.03.1994. It is further contended that in view of the stipulation contained in Annexure-3 the original Petitioner was not sanctioned with pension and persons, who have retired from 16.07.1996 to 15.03.2005 were extended with such benefit in terms of the notification issued under Annexure-3. But it is further contended that similarly situated Job Contract employees who have retired prior to 16.07.1996 have been sanctioned with the pension and list of such beneficiaries have been provided under Annexure-4.

5. Even though notice of the writ petition has been issued since 27.07.2017, but no counter affidavit has been filed. However, taking into account the fact that the original Petitioner has died and the substituted Petitioner, who appears to be the son of the original Petitioner, since make his claim for sanction and release of the pension amount as due and admissible to the original Petitioner, liberty is granted to the Petitioner herein to move an application before the O.P. No. 2.

6. It is observed that if any such application will be made within a period of three (3) weeks from today, O.P. No. 2 shall take a lawful decision on the same within a further period of three (3) months from the date of receipt of such application. However, while taking such a decision the stand taken by the Petitioner in Annexure-4 shall be taken into consideration and order be passed accordingly.

7. The writ petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha