

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34855 of 2021

Ratikanta Barik

.... Petitioner

Mr. L. Mohanty, Advocate

-versus-

State of Odisha and others

.... Opposite Parties

Mr. T.K. Pattnaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate.
 3. The present writ application has been filed by the Petitioner with the following prayer:

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the Opposite Parties calling upon them to file show cause as to why the order dated 03.11.2020 issued by the Opposite Party No.1 under Annexure-8 and the order dated 22.06.2021 issued by the Opposite Party No.1 as communicated by Opposite Party No.3 under Annexure-10 shall not be quashed and after hearing the parties be pleased to quash the order dated 03.11.2020 under Annexure-9 as well as

order dated 22.06.2021 under Annexure-10. A further direction be issued to Opposite Parties to finalise and release the pension and pensionary benefits of the Petitioners as per Rule 47(2)(a) of the OCS (Pension) Rules 1992 by calculating their pension as per last pay drawn dated 31.05.2021 and release all dues with 9% interest thereon; within a date to be fixed by this Hon'ble Court. And pass any other order/orders, direction/directions as this Hon'ble Court may deem fit and proper;"

4. It is submitted by the learned counsel for the Petitioners that the Petitioners have been denied pensionary benefit which they are entitled to. Further, it is submitted by the learned counsel for the Petitioner that the order dated 03.11.2020 under Annexure-8 impugned in this case has been quashed by this Court in W.P.(C) No.32191 of 2020 (*Sanju Dei and others v. State of Odisha and others*). In such view of the matter, learned counsel for the Petitioners submits that the case of the Petitioners shall be considered in the light of the judgment delivered by this Court in *Sanju Dei and others v. State of Odisha and others*, in W.P.(C) No.32191 of 2020 disposed of on 17.03.2022

5. Learned Additional Government Advocate on the other hand submits that since this Court has already quashed the order dated 03.11.2020 under Annexure-8 in *Sanju Dei and others* (supra), let the authority be directed to reconsider the matter afresh taking into consideration the order passed by this Court in *Sanju Dei and others* (supra).

6. Having heard learned counsel for the parties and considering

the limited nature of grievance, this Court deems it proper to set aside the impugned order dated 03.11.2020 under Annexure-8. Further the matter is remanded to the authority. In the event the Petitioner's case is covered by the judgment delivered by this Court in ***Sanju Dei and others*** (supra) in such eventuality the Opposite Parties shall do well to sanction and disburse the pensionary benefit payable to the Petitioner within a period of two months from the date of production of certified copy of this order.

7. With the aforesaid observation, the writ application stands disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

