

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.3634 of 2012
Gayadhar Sahoo **Petitioner**
None

-versus-
State of Odisha & others **Opp.Parties**
Mr. R.N. Mishra, AGA

CORAM:
JUSTICE M.S.SAHOO

ORDER
18.02.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The petition has been renumbered and registered before this Court on 30.11.2021 after being transferred, upon abolition of State Administrative Tribunal, Cuttack Bench, Cuttack.
3. On perusal of the available order-sheet of the learned Tribunal, it is found that no notices were ever issued to the opposite parties, nor the matter was taken up for admission, after 26.07.2013.
4. The petitioner had prayed for grant of revised pension and other consequential service benefits taking into his service in the Job Contract Establishment from 23.01.1964 to 31.10.1976. It is further contended that he was brought over to the regular establishment with effect from 09.08.1977 and retired from service on 25.05.2001, upon attaining the age of superannuation while working as Peskar in the

office of Charge Officer, Dhenkanal-Keonjhar, Major Settlement.

5. The prayer that was made in the original application is contrary to the statutory provision, i.e., Rule-18 (6) of the Orissa Civil Services (Pension) Rules, 1992, which is quoted hereunder:

“ Rule-18(6)... ... Notwithstanding anything contained in Clauses (i) and (iii) of sub-rule(2), a person who is initially appointed in a job contract establishment and is subsequently brought over to the post created under regular/pensionable establishment, so much of his job contract service period shall be added to the period of his qualifying service in regular establishment that would render him eligible for pension.

(Emphasis supplied)

Rule-18(6) carves out an exception to the Rule-18(2)(i), i.e., job-contract service being non-pensionable is not to count for the purpose of pension.

6. As per the said Rules, if a person working in a Job Contract Establishment is brought over to regular establishment, such period of the job contract establishment shall be added to the regular service for granting him minimum pension, if the years of service in regular establishment is short of minimum qualifying service of ten years. In the original application/writ petition, the

applicant has not challenged the statutory provision, i.e., Rule-18(6) of the Orissa Civil Services (Pension) Rules, 1992. Further, the petitioner is getting pension for the years of service in regular establishment, i.e., 09.08.1977 to 20.05.2001.

7. In view of the above discussions, the writ petition is dismissed being devoid of any merit.



(M.S.Sahoo)
Judge

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