

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.598 of 2013

Sreenibas Jena

.....

Petitioner

Mr. S. Behera, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

19.12.2022

Order No.

02

This matter is taken up through hybrid mode.

2. Learned counsel appearing for the petitioner files consolidated cause title in Court today. The same be kept on record.

3. The petitioner has filed this writ petition seeking direction to opposite parties to absorb him into regular establishment with effect from the date when he completed five years of service from the initial date of appointment forthwith.

4. Learned counsel for the petitioner contended that similar benefit has been extended to one Narusu Pradhan. As such the petitioner having stood in similar footing, he is entitled to grant all the benefits.

5. Learned State Counsel for the State contended that since the petitioner has already retired from service and he was working as Work-charged Employee in Jambira Canal Sub-Division, Mayurbhanj and he has been paid the benefit in terms of the Appendix-III OPWD Code, Vol-II, i.e., Odisha Work-charged Employees (Appointment and condition of Service) Instruction, 1974, therefore, the claim of the petitioner cannot sustain in the eye of law.

6. It is contended that one Narusu Pradhan, a similar circumstanced person like the petitioner had filed O.A. No. 1189 (C) of 2006 praying for retrial benefits. The Tribunal allowed the retrial pensionary benefits in his favour vide order dated 11.06.2009, which was challenged by the

State before this Court in W.P.(C) No. 5377 of 2010. This Court dismissed the writ petition on 19.12.2011 and confirmed the order passed by the Tribunal. Thereafter against the order passed by this Court, the State preferred SLP in Civil Appeal No. 22498 of 2012 and the same was also dismissed on 07.01.2013.

7. In that view of the matter, the relief claimed by the petitioner is fully covered by the judgment of the Tribunal passed in the case of Narusu Pradhan, which has been confirmed by this Court as well as the apex Court. Thus the petitioner, having stood in similar footing, is entitled to get the benefits which have been extended to Narusu Pradhan and all the differential benefits and consequential benefits, as due and admissible to him, shall be granted to him in accordance with law within a period of four months from the date of communication of this order.

8. With the above observation & direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rule.

Arun

(DR. B.R. SARANGI)
JUDGE