

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4528 of 2012

Nilamani Behera

.....

Petitioner

Mr. D.K. Patnaik, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. M. Balabantaray, Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

21.02.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. D.K. Pattnaik, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel for State.

3. The petitioner files this writ petition seeking direction to the opposite parties to grant minimum pension in his favour taking into account his past service rendered as Gram Panchayat Secretary prior to his appointment as VLW and also to release the pension and pensionary benefits in terms of OCS (Pension) Rules, 1992.

4. Mr. D.K. Patnaik, learned counsel for the petitioner contended that the similar matter had come up for consideration before Odisha Administrative Tribunal in O.A. No. 4394 (C) of 2010 (***Khetramohan Naik v. State of Odisha***) along with 21 others, which were disposed vide order dated 17.02.2016. Against the said order of the Tribunal, the State had preferred writ petition before this Court bearing W.P.(C) No. 6267 of 2018. This Court vide judgment dated 30.08.2018 confirmed the order of the Tribunal and, thereby the case of the petitioner should be considered in the light of the judgment of the Tribunal made confirmed by this Court.

5. Mr. M. Balabantaray, learned Standing Counsel contended that if the similar cases have already been considered by the Tribunal and

made confirmed by this Court and as such there is noting on record to indicate that the said judgment of this Court has been set aside by the apex Court, the opposite parties may be directed to consider the present case, in the light of the order of the Tribunal, which has been made confirmed by this Court.

6. Having heard learned counsel for the parties and after going through the record, let the petitioner file a fresh representation within a period of two weeks from today incorporating the judgment of the Tribunal as well as of this Court as indicated above, to extend such benefits as claimed in the writ petition and in such event, the authorities shall consider and dispose of the same, as expeditiously as possible, preferably within a period of three months thereafter.

7. With the above observation/direction the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI, J.)

