

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.1075 of 2017

Kanthamani Biswal

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.09.2022

Order No

2.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. U.C.Mohanty, learned counsel for Petitioner and Mr. M.K.Balabantaray, learned Standing Counsel for the State-Opposite Parties.

3. The present Writ Petition has been filed with the following prayer:-

“(i) Issue appropriate writ direction or order declaring that the applicant is entitled to count her past continuous period of service rendered from 28.01.1994 to 09.09.2001 in the post of Assistant Librarian prior to regularization of her service in the same post for the purpose of pensionary benefit in terms of the order of the GA Department.

(ii) And pass any order as may be deemed fit and necessary”.

4. Learned counsel for the Petitioner submits that though the Petitioner was appointed on 44 days basis as against a regular post and allowed to continue as such till her regularization, but the service period from 28.1.1994 to 9.9.2001 when was not regularized for the purpose of pension and other pensionary benefits, the matter was referred to the G.A. Department.

5. It is submitted that vide Annexure-6, G.A Department in its note sheet dated 30.03.2009 has requested the concerned Department to treat the period of service rendered by the Petitioner from 28.1.1994 to 9.9.2001 as pensionable service.

6. It is submitted that in spite of such clear observation by the G.A. Department, the Department of Tourism & Culture under which the petitioner is serving, has not yet taken any decision in that regard.

7. Mr. Mohanty, learned counsel further submitted that similar benefit has been extended in favour of one R.C. Samantaray vide Office Order dated 20.02.1987 under Annexure-9.

8. In that view of the matter, taking into account the recommendation made by the G.A Department under Annexure-6, this Court while disposing the Writ Petition directs the Opposite Party No.2 to take a decision on the claim of the Petitioner with regard to the period of service rendered from 28.01.1994 to 9.9.2001 taking into account the effect of the recommendation and similar order passed by the Culture Department under Annexure-9. The entire exercise in that regard be completed within a period two months from the date of receipt of this order with due intimation to the Petitioner also.

9. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge