

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 208 of 2017

Nrusingha Charan Sethy

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned Counsel for the Petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.

3. The Petitioner has filed this Writ Petition seeking to quash the order under Annexure-9 dated 28.09.2013 by which the past service rendered under the Government of India and Kalinga Gramya Bank for the purpose of pensionary benefits has been rejected.

4. Mr. Mohanty, learned Counsel for the Petitioner contended while passing the order impugned, no opportunity of hearing was given to the Petitioner.

5. Mr. S.N. Nayak, learned Additional Standing Counsel contended that since the Petitioner claims the benefit of counting of his past services for the purpose of pensionary benefits and the same having been considered and the order impugned has been passed, the question of giving opportunity while passing such order does not arise.

6. Having heard learned Counsel for the parties and after going through the record, admittedly the petitioner has filed a representation of consideration of counting his past service rendered under the Government of India and Kalinga Gramya Bank for determination of

pensionary benefits. But such representation has been considered taking into consideration the fact that petitioner has resigned from both the past services and also could not produce the documentary evidence about appearing the O.C.S. combined Competitive Examination with prior permission from competent authority as required under Rules contained in Finance Department office Memorandum dated 16.06.1980 and accordingly the order impugned has been passed.

7. In view of the above, this Court finds no illegality in the impugned order, so as interfere with the same. The Writ Petition merits no consideration and the same stands dismissed accordingly.

Arun

(DR. B.R. SARANGI)
JUDGE

