

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3756 of 2011

Binod Bihari Dhal

Petitioner

Mr. B. Barik, Adv.

- Versus -

***State of Odisha and
others***

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

16.02.2022

**Order No.
01**

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking direction to opposite party No.2, Engineer-in-Chief, Water Resources Department, to give all benefit to him against the post of Wireman-cum-Operator, Grade-IV, as per Orissa Govt. Service Rules and regularize his service by calculating 5 years of continuous service as work charged employee and give him all service benefits on that basis including pensionary benefit within a stipulated period.

3. 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.

4. Learned State Counsel for the State contended that the petitioner has already retired from service and he was working as Wireman-cum-Operator, Grade-IV. He further contended that the claim of the petitioner cannot sustain in

the eye of law.

5. 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 has preferred SLP in Civil Appeal No. 22498 of 2012, the same was also dismissed on 07.01.2013.

6. 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.

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)
JUDGE