

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC(OAC) No.2279 of 2017**

***Baidhar Nayak***

....

***Petitioner***

*Mr. S. Mohanty, Advocate*

*-versus-*

***State of Odisha & others***

....

***Opposite Party***

*Mr. P.C.Das, A.S.C..*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**14.02.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties.
3. The petitioner has filed this writ petition seeking direction to the opposite parties to count his past service rendered in the Job-Contract Establishment for the purpose of pension and pensionary benefit within a stipulated period.
4. It is contended by the learned counsel for the Petitioner that similar matter has also come up before this Court in O.J.C. No. 2147 of 1991, which was decided on 24.03.1992 and this Court has considered the case of Job Contract employees for regularization of service and for pension and pensionary benefits. In O.A. No. 3020 (C) of 2003 (*Nityananda Biswal v. State of Orissa and others*), the Tribunal vide order dated 14.01.2004 also directed that the period of the engagement of the petitioner in job contract establishment should be taken into account as qualifying service and accordingly his

pension and other pensionary benefits be revised and paid to the petitioner therein. The order passed in O.A. No. 3020 (C) of 2003 was also challenged by the State before this Court in W.P.(C) No. 14244 of 2006. This Court vide order dated 09.04.2014 dismissed the writ application preferred by the State against the order passed by the Tribunal. The State also preferred Special Leave to Appeal (C) CC No. 12573 of 2015 against the order passed by this Court in W.P.(C) No. 14244 of 2006, which was dismissed by the apex Court vide order dated 13.07.2015.

6. In view of the above settled position of law, nothing remains to be reconsidered by this Court. Accordingly the opposite parties are directed to extend all such benefits in favour of the petitioner in terms of the directions given by the Courts as mentioned above, as expeditiously as possible, preferably within a period of three months from the date of communication of the certified copy/authenticated copy of the order.

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

8. Urgent certified copy of this order be granted on proper application.

RKS

( **A.K. Mohapatra** )  
**Judge**