

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.2138 of 2017

Siva Prasad Patra

.... ***Petitioner***
Mr. S.B. Mohanty, Advocate

-versus-

State of Orissa and others

.... ***Opposite Parties***
Mr. R.C. Pattanaik, S.C., S. & M.E.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
17.03.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties.
3. This application has been filed by the Petitioner seeing for a direction to the Opposite Parties to record the non-formal service (Past-Services) in his Service Book as qualifying service for the purpose of pensionary benefits. He further seeks for a direction to consider and take into account the earlier services render under Non-Formal Education by the Petitioner from the year 1986-1996 under the Government Controlled Scheme, which was owned by the Education Department, as qualifying service for the purpose of service benefits, pension and gratuity in view of rule 10, 11 and 13 of O.C.S. Pension Rule, 1992.
4. Learned counsel for the Petitioner relies upon the judgment in the case of ***Chander Mohan Negi & Ors. vs. State of Himachal***

Pradesh & Ors., reported in 2020 (I)OLR (SC) – 865. He also brought to the notice of this Court that past service rendered as a non-formal teachers guide under the scheme upon certain payment of ‘honorarium’ shall be qualified for qualified service for regularization of service as well as pensionary benefits.

5. Learned counsel for the School and Mass Education Department submits that the services of the Petitioner was regularized in the year 1996 taking into consideration the valid period of service render by the Petitioner. Therefore, the present claim of the Petitioner is not sustainable in the eye of law.

6. Having heard learned counsel for the parties and considering the long pendency of the case in the Tribunal, the writ petition is being disposed of with a direction to the Petitioner to file a fresh representation before the Secretary, Department of School and Mass Education Department, Opposite Party No.1 taking all the grounds therein along with the documents/judgments in support of his case within a period of two weeks from today along with certified copy of this order. In the event such a representation is filed within the aforestated time, the same shall be considered in accordance with law and the judgment referred to herein above in *Chander Mohan Negi & Ors.(supra)*, also taking into account *Rule-22 of Orissa Service Code and Rule 12(a) of the OCS (Pension) Rules, 1992.* The representation shall be disposed of within a period of eight weeks by passing a reasoned and speaking order. The result of which shall be communicated to the Petitioner within a period of ten days thereafter.

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

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

(A.K. Mohapatra)
Judge

Jagabandhu

