

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1503 of 2019

Bijaya Kumar Dash

.....

Petitioner

Mr. N. Biswal, Adv.

- Versus -

State of Odisha & Ors.

....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

11.10.2022

Order No.
02.

This matter is taken up through video conferencing.

2. The petitioner has filed this writ petition seeking direction to opposite parties to regularize his service with effect from the date he initially entered into the service and to extend all consequential benefits.

3. Learned counsel for the petitioner contended that similar benefit has been extended to one ***Narusu Pradhan*** (O.A. No. 1189 (C) of 2006 decided on 11.06.2009) and there is no denial of the same. As such the petitioners having stood in similar footing, they are entitled to get all the benefits. The petitioner has also relied on the decision of this Court in the case of ***Government of Orissa and others v. Duryodhan Mohanty and others***, 2001 (II) OLR-393. He further contended that similar question was also before this Court in WPC (OAC) No. 3494 of 2013 (***Abhaya Charan Mohanty v State of Odisha and others***), which was disposed of vide order dated 14.07.2021. According to learned counsel for the petitioner, the petitioner stands on the same footing.

4. Having heard learned counsel for the parties, after going through the records it appears 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.

5. 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** (supra) and **Duryodhan Mohanty** (supra) and as such, the benefits as due and admissible to the petitioner, shall be granted to him in accordance with law within a period of four months from the date of communication of this order.

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

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE