

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.363 of 2019

Sri Jayram Barik

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.08.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard learned counsel for Petitioner and learned counsel for the State-Opposite Parties.
3. 3. The present Writ Petition has been filed with the following prayer:-

“(i) That the applicant therefore prays that the order dtd. 02.05.2016 vide Annexure-8 should be quashed with a direction to pay pension to the applicant from dtd. 01.03.2018 under OCS (Pension) Rules 1992 along with service benefits within time stipulation referring to O.A. No.861/2016 decided on dtd. 09.01.2019 and any other order as deem fit be passed”.

4. 4. It is submitted that similar issue was also assailed before the learned Tribunal in O.A. No.861 of 2016 and learned Tribunal in its order dated 09.01.2019 was pleased to quash the impugned order dated 2.5.2016 and held that the Petitioner therein will be entitled to get the pension and other pensionary benefit under OCS (Pension) Rules, 1992.
5. 5. Since this Court finds that since the impugned order dated 02.05.2016 has been quashed by the learned Tribunal

and that order has been upheld by this Court in its order dated 25.07.2019 passed in W.P.(C) No.12328 of 2019 and by the Hon'ble Apex Court in its order dated 17.11.2020 in Special Leave Petition (Civil) Diary No.14522/2020, the impugned order dated 02.05.2016 under Annexure-8 so far as it relates to the Petitioner is hereby also quashed.

6. While quashing the same, this Court directs the opposite parties to take steps for sanction of pension and other pensionary benefits in favour of the Petitioner as provided under OCS (Pension) Rules, 1992. The said exercise shall be completed within a period of four months from the date of receipt of this order.

7. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

