

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.79 of 2019

Kanchani Samal

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.09.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Pattnaik, learned counsel for the Petitioner and Mr. Prusty, learned Standing Counsel appearing for the Opp. Parties.

3. It is submitted that the Petitioner entered into service on 14.07.1972 and the said fact is reflected in the service book annexed vide Annexure-1/1.

4. Mr. Pattnaik submitted that as because the Petitioner became blind, she could not discharge her duty w.e.f. 01.11.2000 till his superannuation, which fell due on 28.02.2010. It is submitted that due to such disruption in her service for the period from 01.11.2000 to 28.02.2010 and non-regularisation thereof, when the Petitioner was not allowed her pensionary benefits, the present writ Petition was filed with a prayer to direct the Opp. Parties to regularize the period of service from 1.11.2000 to 28.02.2010 as well as for release of the pension and pensionary benefits..

5. However, during course of argument Mr. Pattnaik, learned counsel for the Petitioner submitted that the Petitioner will not pray for regularization of the said period of service, if the Opp. Parties

by taking into account the period of service rendered by the Petitioner from 14.12.1972 till 30.10.2000 as pensionable service, sanction the retirement benefits in favour of the Petitioner. It is also submitted that for remaining absent for the period in question, no proceeding was ever initiated against her and the Petitioner was allowed to retire from her service w.e.f.28.02.2010.

6. Even though notice of the writ Petition was issued on 09.01.2019, but no counter affidavit has been filed nor the period of service from 01.11.2000 to 28.02.2010 has been regularized. Taking into account the fact that the Petitioner has lost both her eyes as reflected in the disability certificate under Annexure-3/4 and the submission made by Mr. Pattnaik, learned counsel for the Petitioner that the Petitioner does not pray for regularization of the period of service from 01.11.2000 to 28.02.2010, this Court while disposing the writ Petition directs the O.P. No. 3 to treat the period of service of the Petitioner from 14.12.1972 to 30.10.2000 as pensionable service for all purposes and process the pension papers accordingly.

7. Mr. Prusty also fairly submits that if such a direction will be issued, he will have no objection. In view of the submissions made by learned counsel appearing for the Parties, this Court while disposing the writ Petition directs the O.P. No. 3 to treat the service period of the Petitioner from 14.10.1972 to 30.10.2000 as pensionable service for all purposes as a special case and sanction all the pensionary benefits as due and admissible in her favour within a period of three (3) months from the date of receipt of this order. It is also directed that pending such sanction of final pension, the provisional pension as due and admissible be sanctioned within a period of one month from the date of receipt of this order. In view

of the nature of disability of the Petitioner, learned State Counsel is directed to communicate this order to Opp. Party No. 3 forthwith for compliance.

8. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha

