

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 108 of 2019

*Nayan Nayak*

.....

*Petitioner*

*Mr. S.N. Satapathy, Advocate*

Vs.

*State of Odisha and others*

.....

*Opposite Parties*

*State Counsel*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**28.09.2022**

**Order No.**

01.

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize his service and grant pension and other post retiral benefits as due and admissible to him.
3. Learned counsel for the petitioner contended that this question has already been considered by a Division Bench of this Court in W.P.(C) No.19550 of 2011 disposed of on 03.02.2021 (*Chandra Nandi v. State of Odisha and others*) and W.P.(C) No.27950 of 2019 disposed of on 03.02.2021 (*Premananda Tripathy v. State of Odisha*). It is contended that since the matter has already been decided by this Court and, as such, the petitioner having stood in the same footing, nothing remains to be adjudicated by this Court. Therefore, direction may be given to the authority to consider the case of the petitioners in the light of the aforesaid orders.
4. Learned Addl. Government Advocate contended that since this question has already been decided by this Court, direction may be given to the authority to consider the case of the petitioner in the light of the aforesaid orders.
5. Considering the contention raised by learned counsel for the parties and after going through the records, this writ petition stands disposed of directing opposite party no.2 to consider the case of the petitioner for regularization and grant of post retiral benefits dues as due and admissible to

him, taking into consideration the order dated 03.02.2021 passed by this Court in ***Chandra Nandi*** and ***Premananda Tripathy*** mentioned supra, as well as the ratio decided by this Court in ***State of Orissa v. Jyostna Rani Pattnaik*** (W.P.(C) No.1534 of 2008 disposed of on 19.12.2016), and pass appropriate order in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of production of the certified copy of this order.

Issue urgent certified copy as per rules.

*Arun*

(DR. B.R. SARANGI, J.)

