

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32566 of 2022

Lalit Mohan Behera

.... ***Petitioner***
Mr. S. Patra, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. Arnav Behera, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER

09.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. The petitioner has filed this writ petition seeking direction to opposite parties to allow pension to the petitioner after regularizing his service after completion of 5 years of service in work charged establishment or at least one day with all consequential benefits along with 12% interest.
4. Mr. Patra, learned counsel for the Petitioner contended that similarly situated persons had approached the Orissa Administrative Tribunal in O.A. No.1513 (C) of 2009 and O.A. No. 2348(C) of 2009, which was disposed of on 11.06.2009 and 18.06.2018 respectively. Challenging the said orders, State has preferred W.P.(C) No. 27950 of 2019 and W.P.(C) No. 19550 of 2011, which was disposed of on 03.02.2021 confirming the orders passed by the Tribunal. Thereby, there is a direction from this Court that the Petitioner therein should be treated to have been regularized in

service at least one day prior to his superannuation, by creating supernumerary post, if necessary and accordingly, he shall be extended with the pensionary benefits as would be admissible to him. It is contended that in view of the orders passed by this Court, the petitioner being on the same footing, is entitled to get the benefit of the said order. Accordingly, this writ petition may be disposed of in the light of the order dated 03.02.2021 passed by this Court as the said order has not been challenged before the apex Court till date.

5. Considering the limited nature of grievance of the Petitioner, this writ petition is disposed of directing the opposite parties to consider the grievance of the petitioner in the light of the orders passed in W.P.(C) No.27950 of 2019 and W.P.(C) No.19550 of 2011, disposed of on 03.02.2021 and also in the light of orders dated 16.11.1999 & 27.08.2021, which is annexed as Annexure-5 series to the writ petition and pass appropriate order in accordance with law and extend the benefits to the Petitioner, if she is otherwise eligible pursuant to said order as expeditiously as possible within a period of two months from the date of communication of this order. It is made clear that the direction given hereinabove shall be carried out subject to Petitioner furnish an undertaking that he is not getting pension from the E.P.F. authorities.

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

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge