

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6353 of 2022

and

batch of cases

In W.P.(C) No.6353 of 2022

Madhusudan Naik

....

Petitioner

Mr. Sameer Kumar Das, Adv.

Mr. P.K. Behera, Adv.

Mr. N. Jena

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. Biplaba Mohanty, SC

(for O.P.1/ S & ME Deptt.)

Mr. B. Routray, Adv.

(for O.Ps.2 & 3)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

26.09.2022

W.P.(C) Nos.6353, 734, 1784, 1785, 2027, 5007, 6712 & 6714 of 2022 and 25152, 25155, 25822, 27270, 27411, 27414, 28627, 29717, 30673, 30680, 30682, 30684, 30685, 32060, 32062, 32444, 32986, 33358, 33381, 33383, 33386, 33388, 34037, 34040, 34187, 34248, 34250, 34251, 34252, 34825, 35299, 35301, 35924, 36587, 36590, 39045, 40167 & 40176 of 2021.

8.

1. These matters are taken up through hybrid mode.
2. Learned counsel for the parties are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in the presence of learned counsel for the parties and the order is passed accordingly as follows:-

3. A bare perusal of the records and the orders of the High Court and the Supreme Court as quoted above, it appears that the case of the Petitioner is squarely covered by the aforesaid orders as the present Petitioner and the Petitioner there in W.P.(C) No.13035 of 2019 were working in the same establishment i.e. in Board of Secondary Education, Odisha and the grievance of the Petitioner in W.P.(C) No.13035 of 2019 was that though he was retired at the age of 60 years, his pensionary benefit has been calculated upto the age of 58 years. Moreover, the order dated 07.11.2019 passed in favour of the Petitioner in W.P.(C) No.13035 of 2019 has been affirmed by the Division Bench of this Court as well as the Supreme Court. Therefore, as the benefit has already been granted to similarly situated employees serving under the same establishment i.e. the Board of Secondary Education, Odisha, there is no reason why the same benefit should not be granted to the present Petitioner.
4. In such view of the matter, the Writ Petition filed by the Petitioner is disposed of being allowed.
5. Consequently, all the above-mentioned Writ Petitions are disposed of being allowed. However, the authorities

shall examine the facts and circumstances of the present Writ Petitions in the light of the orders of this Court and the Supreme Court meticulously and if the ratio decided therein is squarely covered by the cases of the Petitioners, they shall consider the Petitioners' cases as expeditiously as possible preferably within a period of three months from the date of production of a copy of this judgment.

B.Jhankar



(Dr. S.K. Panigrahi)
Judge