

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.39554 of 2021**

**Nirmal Chandra Sikdar**

....

**Petitioner**

*-versus-*

**State of Odisha & Others**

....

**Opposite Parties**

**COROM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**03.08.2022**

**Order No**

**4. 1.** This matter is taken up through Hybrid Mode.

**2.** Heard learned counsel for Petitioner, learned counsel for the State and learned counsel appearing for the Opposite Party No.5.

**3.** The present writ application has been filed by the Petitioner with the following prayer:-

*"It is, therefore, prayed that this Hon'ble Court may graciously be pleased to direct the opp. parties to revise the pay and pension and pensionary benefits of the petitioner as per O.R.S.P Rules, 2017 w.e.f. 01.01.2016 taking into consideration of the order passed by this Hon'ble Court dated 17.03.2021 under Annexure-10 and order dated 6.5.2022 under Annexure-11 and release all the arrears within a date as fixed by this Hon'ble Court.*

*And for which act of kindness, the Petitioner shall as in duty bound, ever pray".*

**4.** It is submitted by the learned counsel for the Petitioners that the Petitioners have been denied pensionary benefit which they are entitled to. Further, it is submitted by the learned counsel for the Petitioner that the order dated 03.11.2020 under Annexure-9 impugned in this case has been quashed by this Court in W.P.(C) No.32191 of 2020 (Sanju Dei and others v. State of Odisha and others). In such view of the matter, learned

counsel for the Petitioners submits that the case of the Petitioners shall be considered in the light of the judgment delivered by this Court in Sanju Dei and others v. State of Odisha and others, in W.P.(C) No.32191 of 2020 disposed of on 17.03.2022.

**5.** Learned Additional Government Advocate on the other hand submits that since this Court has already quashed the order dated 03.11.2020 under Annexure-9 in Sanju Dei and others (supra), let the authority be directed to reconsider the matter afresh taking into consideration the order passed by this Court in Sanju Dei and others (supra).

**6.** Having heard learned counsel for the parties and considering the limited nature of grievance, this Court deems it proper to set aside the impugned order dated 03.11.2020 under Annexure-9. Further the matter is remanded to the authority. In the event the Petitioner's case is covered by the judgment delivered by this Court in Sanju Dei and others (supra) in such eventuality the Opposite Parties shall do well to sanction and disburse the arrears of revised scale of pay and pensionary benefit payable to the Petitioner within a period of two months from the date of production of certified copy of this order.

**7.** With the aforesaid observation, the writ application stands disposed of.

**8.** Issue urgent certified copy as per Rules.

**(Biraja Prasanna Satapathy)**  
**Judge**