

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.39589 of 2021

Pradeep Bhoi and others *Petitioners*

Mr. P.K. Mohapatra, *Advocate*

-versus-

State of Odisha and others *Opp. Parties*

Mr. B. Mohanty,
Standing Counsel for S & ME

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.01.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
2. The grievance of the Petitioners in the present writ petition is that they are not getting benefit of GPF and pension under the Odisha Civil Services (Pension) Rules, 1992 and further a declaration may be made making them covered under the said Pension Rules of 1992 prior to its amendment in the year 2005 and the Petitioners pray that their case may be considered in the case of *Harbans Lal vrs. Stae of Punjab and others, (CWP No.2371 of 2010, decided on 31.08.2010)* by the High Court of Punjab and Haryana, which has been upheld by the Hon'ble Supreme Court of India in SLP(C) No.23578 of 2012 [SLP(C) No.18901 of 2011, disposed of on 30.07.2012 (*State of Punjab and Ors. Vrs. Harbans Lal*)]. The Petitioners further state

that their case is also covered by the judgment of this Court rendered in the case of *Anand Dash and others vrs. State of Odisha and other*: reported in **2014 (I) ILR CUT 459** which has been upheld by the Hon'ble Supreme Court of India in Special Leave to Appeal (c) No.(s).35464 of 2014 disposed of on 09.03.2018.

3. It is further submitted by learned counsel for the Petitioners they have ventilated their grievances before the authorities by filing a representation under Annexure-4 before the Principal Secretary to Government, School and Mass Education Department, Odisha, Bhubaneswar on 28.07.2021 and the same is stated to be pending before the Opposite Party No.1 as of now.

4. Learned counsel appearing for the School and Mass Education Department submits that he has no objection, if a direction be issued to the authority to consider the case of the Petitioners in the light of the aforesaid judgments.

5. Having heard learned counsel for both the sides, this Court directs the Principal Secretary to Government, School and Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 to dispose of the representation dated 28.07.2021, if any, pending by passing a reasoned and speaking order within a period of twelve weeks from the date of production of certified copy of this order. The decision so taken on the representation of the Petitioners shall be communicated to the Petitioners within a period of ten days thereafter. It is needless to say that this Court has not expressed any opinion on the merits of the case. The representation of the Petitioners strictly disposed of in accordance with law.

6. With the aforesaid direction, the writ petition stands disposed

of.

7. Urgent certified copy of this order be granted on proper application.

Jagabandhu

(A.K. Mohapatra)
Judge

