

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40114 of 2021

Debarchan Nayak & Ors.

.....

Petitioners

Mr. K. Swain, Advocate

Vs.

State of Odisha and Ors.

.....

Opposite parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

04.1.2022

Order No.

01

The matter is taken up by video conferencing mode.

2. The petitioners have filed this writ petition seeking direction to the opposite parties to regularize their services as they have rendered 33 years of service both in the capacity of NMR/DLR/HR and Work Charge employees as similarly situated work charged employees have been brought over to regular establishment and provide the benefits of OCS (Pension) Rules, 1992 and the benefit of GPF as per GPF Rules, 1938 prior to its amendment in terms of the Office Memorandum dated 01.05.2010 issued by the Government of Odisha in the Department of Finance as the petitioners were appointed prior to the cutoff date, i.e. 01.01.2005.

3. Mr. K. Swain, learned counsel for the petitioners 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 petitioners 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. Mr. S.N. Nayak, learned Addl. Standing Counsel 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

petitioners 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.1 to consider the case of the petitioners for regularization of their services and grant post retiral benefits as due and admissible to them 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 an authenticated/certified copy of this order.

Issue urgent certified copy as per rules.

Alok

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

