IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34999 of 2022

Rajendra Nath Sinku	…..	***Petitioner***
		Mr. S.K. Mishra, Advocate
	Vs.	
State of Odisha and others	…..	***Opposite parties***
		Mr. S. Jena, SC, S&ME Deptt

CORAM:
DR. JUSTICE B.R. SARANGI

ORDER
20.12.2022

Order No.
01

This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition seeks for a direction to Secretary to Government, School & Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 to take appropriate steps for releasing the benefit of unutilized surrender leave and gratuity of 16 ½ months pay instead of 7 ½ months pay (pensionary benefits) to the Petitioner, who is a retired employees of a fully aided educational institutions. As such, it is contended that the Petitioner is entitled to be treated at par with their counter parts in Government Educational Institutions in view of Rule-9 of the Rules, 1974. It is also contended that taking into consideration the equal superannuation age of aforesaid two categories employees, the Petitioner should be granted the rest of the gratuity dues as well as unutilized surrender leave dues by modifying the payment order dated 30.09.2022 of the Controller of Accounts, Odisha, Bhubaneswar pursuant to resolution dated 22nd March, 2018 of School & Mass Education Department, Bhubaneswar in view of the decisions of this Court in the case of ***Bidyadhar Bhuyan –vrs.- State of Odisha and others***, reported in 1995 (II) OLR 655, which was confirmed by the Hon'ble Supreme Court in SLP No.4090 of 1996, vide order dated 9th September, 1996.

3. In course of hearing, learned counsel for the Petitioner states that highlighting the grievances, the Petitioner has made a representation to the

Secretary to Government, School & Mass Education Department, Odisha, Bhubaneswar on 10.10.2022 as at Annexure-5 and the same may be directed to be disposed of expeditiously taking in to consideration the ratio in the case of ***Bidyadhar Bhuyan*** (supra) as well as the order of the Hon'ble Apex Court in SLP No.4090 of 1996.

4. Considering the limited grievance of the Petitioner, this Court without expressing any opinion on the merits of the case, disposes of the writ petition with a direction to the Secretary to Government, School & Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 to consider the representation filed by the Petitioner as at Annexure-5 and pass appropriate order in accordance with law within a period of four months from the date of production of a certified copy of this order and communicate the same to the Petitioner forthwith.

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

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

HIGH COURT
सत्यमेव जयते
ORISSA