

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41165 of 2021

Ismail Ekka

.....

Petitioner

Mr. K.C. Rath, Advocate

Vs.

Govt. of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

01

This matter is taken up by video conferencing mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties to admit the petitioner in the old pension scheme 1992 Rules and readmit the petitioner in the GPF Scheme forthwith as it has been allowed to similarly situated employees as per the ratio decided in the case of *Anand Dash v. State of Odisha*, 2014 ILR-CUT-459, which has been upheld by the apex Court in SLP Nos. 35462-35464 of 2014, decided on 09.03.2018 and also keeping in view the order passed by the Odisha Administrative Tribunal in the case of *Sabita Mohapatra* (O.A. No. 2501 of 2013, disposed of on 29.09.2014) with all consequential benefits within a time to be stipulated by this Court.

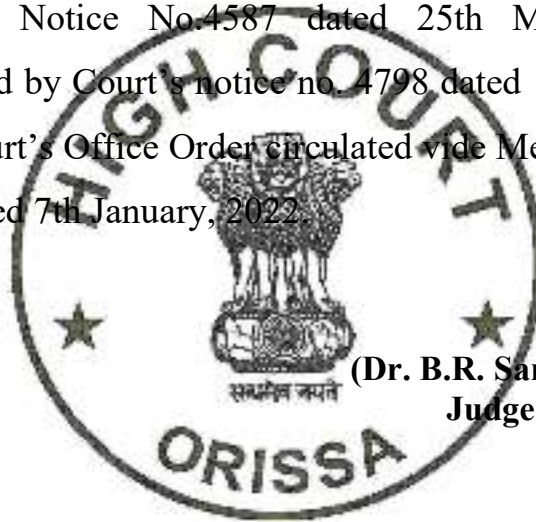
3. In course of hearing, learned counsel for the petitioner states that the petitioner may be permitted to file a fresh representation before the opposite party no.1, which may be considered within a stipulated time.

4. In view of the aforesaid limited grievance of the petitioner, this Court disposes of the writ petition granting

liberty to the petitioner to file a fresh representation before the opposite party no.1 ventilating the grievance within a period of two weeks hence. If such representation is filed, the same shall be considered and disposed of by the opposite party no.1 in accordance with law within a period of three months thereafter keeping in view the judgments in *Anand Dash* and *Sabita Mohapatra* mentioned supra.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Arun



(Dr. B.R. Sarangi)
Judge