

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41247 of 2021

Kalandi Charan Swain

.... ***Petitioner***
Dr. Purusottam Chuli,
Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. D. Mund,
Additional Govt. Advocate for State.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.01.2022

Order No.

01. 1. The present writ petition has been filed by the Petitioner, who is a retired Watchman (1st post) in Indira Gandhi Women's Higher Secondary School, Nimapara, Puri, with a direction to the Opposite Parties to sanction and pay the pension and pensionary dues to the Petitioner with effect from 01.11.2021 in pursuant to the order passed by this Court in the case of ***Sarat Chandra Parida vs. State of Odisha and others***, reported in ***2015 (II) ILR- CUT-94*** and order dated 21.11.2016 passed by this Hon'ble Court in ***W.P.(C) No.15013 of 2016 (Sarat Chandra Pradhan vs. State of Odisha and others)*** as well as in terms of ***Rule-3*** of the Orissa Aided Educational Institutions' Employees Retirement Benefit Rules, 1981. The Petitioner has also prayed for a direction to Opposite Party No.2 to calculate the differential arrears of pension and pay the same to the Petitioner within a stipulated period.

2. Learned counsel for the Petitioner submits that against the order passed by this Court in the case of *Sarat Chandra Pradhan (supra)*, the State had preferred an Appeal before the Hon'ble Supreme Court of India bearing SLP No.34985 of 2017, which was subsequently dismissed on the ground of delay by order dated 5.12.2017. In such view of the matter, the order passed by this Court in *Sarat Chandra Pradhan (Supra)* has attained finality.

3. Mr. Mund, learned Additional Government Advocate for the State submits that the Special Leave Petition has been dismissed only on the ground of limitation, therefore, it cannot be said that the Hon'ble Supreme Court has approved the decision rendered in *Sarat Chandra Pradhan (supra)* case.

4. Be that as it may, since the decision of this Court has attained finality and it is well settled principle of law that until and unless the said order is set aside by the Higher Forum, the decision rendered in *Sarat Chandra Pradhan (supra)* is binding on a coordinate Bench of this Court.

5. It is further submitted by learned counsel for the Petitioner that he has submitted a representation before the Authority, i.e. the Director, Higher Secondary Education, Odisha, Opposite Party No.2 dated 20.12.2021 (Annexure-7 series), the same is stated to have been pending for consideration by the authority as of now.

6. Having heard learned counsel for both the sides, this Court directs Opposite Party No.2 to consider and disposed of the representation of the Petitioner dated 20.12.2021 (Annexure-7 series) filed by the Petitioner by passing a speaking and reasoned order keeping in view the law laid down by this Court as well as the

concerned rules within a period of eight weeks from the date of production of a certified copy of this order by the Petitioner. The decision so taken on the representation of the Petitioner be communicated to the Petitioner within a period of ten days.

7. With the above direction, the writ petition stands disposed of.

(A.K. Mohapatra)
Judge

U.K.Sahoo

