

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41723 of 2021

Nidhi Nayak

....

Petitioner

Mr. K.C. Sahu, Adv.

-Versus -

***Commissioner-cum-Secretary,
Water Resources Deptt. BBSR
and others***

....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

05.01.2022

**Order No.
01**

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking to quash the order of rejection with regard to the claim for grant of consequential benefits including pensionary benefit, vide order dated 22.02.2019 under Annexure-10 in pursuance of the order dated 05.05.2018 passed by the tribunal in O.A. No.234 of 2013.

3. Mr. K.C. Sahu, learned counsel for the petitioner contended that similar matter had come up for consideration before the tribunal in R.P. No.42 (C) of 200 disposed of on 13.07.2015, arising out of O.A. No.2825 (C) of 1999 disposed of on 16.11.1999, wherein the tribunal granted the benefit to the petitioner. Challenging the said order, State preferred writ petition bearing W.P.(C) No.7897 of 2016, which was disposed of vide order dated 08.01.2018 confirming the order passed by the tribunal. Against the order passed by this Court, State preferred S.L.P. (Civil) Dairy No.23210 of 2018 before the apex

Court which was also dismissed vide order dated 06.08.2018. Thus, it is contended that the order impugned passed by the authority under Annexure-10 cannot sustain in the eye of law and the same has to be quashed with a direction to the authority to reconsider the matter once again in the light of the order passed by the tribunal which has been made confirmed by this Court as well as the apex Court.

4. Mr. S. Nayak, learned Addl. Standing Counsel states that if this question has already been decided by this Court which has been confirmed by the apex Court, let the authority reconsider the case of the petitioner in accordance with law.

5. Having heard learned counsel for the parties and after going through the records, since this question has already been decided by this Court, in the opinion of this Court, the order impugned in Annexure-10 dated 22.02.2019 cannot sustain in the eye of law and is liable to be quashed. Accordingly, the order dated 22.02.2019 in Annexure-10 is hereby quashed. The matter is remitted back to the authority to reconsider the case of the petitioner in the light of the order passed by the tribunal which has been confirmed by this Court as well the apex Court, and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order.

6. The writ petition is accordingly disposed of.
Issue urgent certified copy as per rules.

(Dr. B.R. Sarangi)
Judge