

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41829 of 2021

Gananath Rout

.... ***Petitioner***
Mr.D.K.Mohapatra,
Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. Sangram Jena,
Standing Counsel for S & M.E..

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. The present writ petition has been filed by the Petitioner, who is a retired Librarian of Bishnu Samantray Degree College, Nuahat, in the district of Jajpur, with a direction to the Opposite Party Nos.1 and 2 to grant pension and other retiral benefits to the petitioner in terms of the Orissa Aided Educational Institutions Employees Retirement Benefit Rules, 1981 keeping in view the order passed by this Court in Sarat Chandra Parida-vrs.State of Odisha and others 2015 (II) ILR CUT 94 and the order dated 21.11.2016 passed by this Court in W.P.(C) No.15013 of 2016 (Sarat Chandra Pradhan-vrs.-State of Odisha and others).
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. Jena, learned Standing Counsel for School & Mass Education Department 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 the petitioner may be permitted to file a representation before the Director, Secondary Education, Opposite Party No.2 within a period of two weeks from today.

6. Having heard learned counsel for both the sides, this Court directs that in the event the Petitioner files a representation along with an authenticated copy of this order within the aforesaid period, before the Opposite Party No.2, Opposite Party No.2 shall consider the same in accordance with law 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.
8. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)

Judge

U.K.Sahoo

