

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41952 of 2021

Ramesh Chandra Khatai

....

Petitioner

*Mr. D.K.Mohapatra,
Advocate*

-versus-

State of Odisha and others

....

Opposite Parties

*Mr. B.Mohanty, Standing Counsel
S & ME.*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.01.2022

Order No.

04. 1. This matter is taken up through Video Conferencing mode.
2. The present writ petition has been filed by the Petitioner, who is a retired Assistant Teacher in Sidheswar Bidyapitha, Mudgal, Astaranga in the district of Puri, with a direction to the Opposite Party No.2 to sanction and pay the pension and pensionary dues to the Petitioner pursuant to 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*) as well as in terms of Rule-3 of the Orissa Aided Educational Institutions' Employees Retirement Benefit Rules, 1981.
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. Mohanty, learned Standing Counsel 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 the petitioner may be permitted to file a fresh representation before the Authority, i.e. the Director, Higher Secondary Education, Odisha, Opposite Party No.2 ventilating his grievance and the same may be directed to be considered by the authority in accordance with law.

6. Having heard learned counsel for both the sides, this Court directs the petitioner to file a fresh representation before Opposite Party No.2 within two weeks and if such a representation is filed, the Opposite Party No.2 is directed to consider and dispose of the representation of 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

filing of the representation and production of authenticated 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 thereafter.

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

8. 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, 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.

(A.K. Mohapatra)
Judge

RKS