IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 14224 of 2024
CNR No. ODHC010418172024

Dinabandhu Bachha **.....** ***Petitioner***
Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha & Ors. **.....** ***Opposite Parties***
Mr. S.P. Das, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
29.10.2026

Order No. 03

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. Petitioner has filed the present writ petition inter alia with the following prayer:-

> *"It is therefore, humbly prayed that this Hon'ble Court may graciously be pleased to:-*
>
> *i) Admit and allow this writ petition and;*
>
> *ii) Quash the impugned order vide No. 11737/WR, dated 26.04.2024 under Annexure-4 and:*
>
> *iii) Direct the opp. parties to sanction pension and pensionary benefits under the Orissa Civil Services (Pension) Rules, 1992 by counting so much of past service rendered in work charged establishment taking in to account his initial appointment 01.03.1982 under the Govt. of Odisha as has been granted to other similarly placed employees in the light of the principles decided in Pitambar Mohapatra, O.A. No. 3574(c)/2011, which has been affirmed in W.P.(c) No. 13483/2012 vide order dt. 14.9.2017 and Pitambar Sahoo, O.A.No. 4189(c) of*

2013, decided on 18.4.2017, which has been affirmed in W.P.(c) No. 24041 of 2017, decided vide order dt. 20.12.2017 as well as Apex court in SLP(c) Diary No. 30806/2018 decided vide order dt. 10.09.2018 and Sarbeswar Bhujabal, (O.A.No. 606/2015), which has been affirmed vide order dt. 15.11.2019 in W.P.(c) No. 7680/2019, and Hon'ble Supreme court in SLP(c) No.7541 of 2020, decided on 31.10.2022 and Narusus Pradhan vrs. State in O.A.No. 1189(c)/2006, which has been affirmed by in W.P.(c) No. 5377/2010 and SLP(c) cc No. 22498/2012 within a stipulated period of time and;

iv) Pass such other order (s)/direction(s) as would be deem fit & proper;

And for which act of kindness, the petitioner as in duty bound shall ever pray".

4. It is contended that even though the Petitioner continued initially as a DLR w.e.f. 01.03.1982 and thereafter in the Work Charged Establishment and lastly in the Wages Establishment and retired from his services on attaining the age of superannuation on 31.01.2023, on the ground that Petitioner does not have the required qualifying service, he was not sanctioned with pension and other pensionary benefits as provided under OCS Pension Rules, 1992.

4.1. However, Petitioner when raised a claim to get the said benefit by filing W.P.(C) No.13787 of 2023 and this Court directs for its consideration, Opp. Party No.1 rejected the said claim vide the impugned order dated 26.04.2024 under Annexure-4.

4.2. Learned counsel appearing for the Petitioner contended that the ground on which Petitioner's claim has been rejected, is no more sustainable in the eye of law, in view of the recent judgment

delivered by this Court on 20.05.2026 in W.P.(C) No.37563 of 2025. This Court in the said judgment in Para 7 to 7.4 has held as follows:-

> "*7. Having heard learned counsel appearing for the Parties and considering the submissions made, it is found that all the Petitioners were initially engaged as DLRs, much prior to the cut-off date so fixed by the Finance Department in its Resolution dtd.15.05.1997 i.e.12.04.1993. On the face of such engagement prior to 12.04.1993, Petitioners were never absorbed in terms of Finance Dept. Resolution dt.15.05.1997 under Annexure-2 nor regularized in terms of the decision of the Apex Court in the case of Uma Devi (so cited supra).*
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> *7.1. It is also found that while so continuing as DLRs, Petitioners were brought over to the Work Charged Establishment vide order dtd.14.01.2011 under Annexure-4 series and to the Regular Establishment vide order dtd.30.10.2018, 31.05.2023 and 01.11.2018 under Annexure-5 series. However, on the ground that Petitioners have been brought over to the Work Charged Establishment and the Regular Establishment after 01.01.2005, claim of the Petitioner to get the benefit of pension and pensionary benefits has been rejected vide the impugned order dtd.21.05.2025 under Annexure-16.*
>
> *7.2. Placing reliance on the decisions rendered in the case of Niranjan Kar and Sk. Abdul Motalib, which have been affirmed by the Apex Court and pension and pensionary benefits since has already been extended in favour of Niranjan Kar, who is similarly situated as like the present Petitioners, this Court is of the view that the ground on which claim of the Petitioners has been rejected vide the impugned order is not sustainable in the*

eye of law. It is also the view of this Court that since similar benefit has already been extended in favour of Niranjan Kar, Petitioners being similarly situated, they cannot be discriminated in view of the decision of the Apex Court in the case of Arvind Srivastav & C. Lalitha (so cited supra).

7.3. It is also the view of this Court that in view of the continuance of the Petitioners in different capacity till their retirement and the inaction on the part of the Opp. Parties in not absorbing the petitioner in terms of the Finance Department Resolution dtd.15.05.1997 as well as the decision in the case of Uma Devi so cited (supra), petitioner in view of the recent decisions of the Apex Court in the case of Jaggo, Shripal, Dharam Singh and Bhola Nath, are otherwise eligible and entitled to get the benefit, which has been illegally rejected vide the impugned order.

7.4. Therefore, while quashing order dtd.21.05.2025, this Court directs the Opp. Parties be directed to release the pension and other pensionary benefits in favour of the Petitioners so extended in favour of Niranjan Kar, from the date of their entitlement, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of this order."

4.3. It is accordingly contended that since Petitioner's claim is covered by the aforesaid judgement, with quashing of the impugned order, Opp. Party be directed to extend similar benefits as have been extended in the case of ***MD Zamilur Rahaman & Ors***. in ***W.P.(C) No.37563 of 2025***.

4.4. It is however contended that W.A. No.432 of 2022 though is not connected to the Petitioner's claim, but basing on the

submission made by the learned State Counsel, an order was passed to list the matter after disposal of W.A. No.432 of 2022. It is however contended that W.A. No.432 of 2022 has also been dismissed in the meantime vide order dated 25.08.2025.

5. Learned Addl. Govt. Advocate on the other hand contended that, since after getting the benefit of regularisation vide order dated 06.11.2017 under Annexure-1, Petitioner retired from his service on attaining the age of superannuation w.e.f.31.01.2023 and the qualifying service being less than 10 years, he is not eligible and entitled to get the benefit of pension, in view of the stipulation contained in OCS Pension Rules, 1992. It is accordingly contended that claim of the Petitioner has been rightly rejected vide the impugned order under Annexure-4.

6. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner was initially engaged as a DLR on 01.03.1982 and subsequently he was brought over to the Work Charged Establishment and lastly to the regular Wages Establishment vide order dated 06.11.2017 under Annexure-1. As found Petitioner while continuing in the regular wages Establishment, retired on attaining the age of superannuation on 31.01.2023. Claim of the Petitioner has been rejected vide the impugned order dated 26.04.2024 under Annexure-4, on the ground that he does not have the required qualifying service in the regular establishment along with other grounds.

6.1. This Court placing reliance on the decision in case of ***MD Zamilur Rahaman*** so cited supra is of the view that the ground on

which Petitioner's claim has been rejected vide the impugned order, is no more sustainable in the eye of law. Therefore, this Court while quashing the impugned order dated 26.04.2024 under Annexure-4, dispose of the Writ Petition in the light of the judgment dated 20.05.2026.

7. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Subrat

Signature Not Verified
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Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 30-Oct-2026 16:33:04