IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 21917 of 2026
CNR No.ODHC010508072026

Bhaskar Dhala	***.....***	***Petitioner***
		Mr. L. Mohanty, Advocate
	-versus-	
State of Odisha & Ors.	***.....***	***Opposite Parties***
		Mr. S.P. Das, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
28.10.2026

Order No. 04

1. This matter is taken up through hybrid mode.

2. On the oral prayer made by the learned counsel appearing for the Petitioner, he is permitted to implead Chief Construction Engineer, Potteru Irrigation Project as Opp. Party No.5 in Court. However, subject to payment of cost of Rs.500/- in the High Court Bar Association Welfare Fund in course of the day.

3. Heard learned counsel for the Parties.

4. On the face of the order passed by this Court on 31.07.2026 and further order passed on 22.09.2026 and 14.10.2026, no instruction has yet been obtained by learned ASC.

5. The present Writ Petition has been filed inter alia with the following prayer:-

> *"It is, therefore, prayed that this Hon'ble Court may graciously be pleased to issue notice to the*

opp.parties calling upon them to file show cause as to why:

(i) a direction shall not be issued to quash the order of rejection dated 30.07.2022 issued by the opp.party no.3 under Annexure -4 taking into consideration the order passed by this Hon'ble Court in W.P.(c) No.8102 of 2019 dated 11.05.2022 under Annexure - 5 which was upheld by the Hon'ble Apex Court of India in between State of Orissa and others Versus G. Balakrishna and others in SLP (Civil) Diary No.33400 of 2023 dated 24.07.2025 and batch under Annexure-6 and to direct the opp.parties to release pension in favour of the petitioner w.e.f. 01.11.2003 taking into consideration the consequential order passed by the opp.party no.1 dated 09.02.2026 under Annexure-7 as well as judgment of Hon'ble Apex Court of India rendered in between D.S. Nakra Versus Union of India and others reported in AIR 1983 SC 130.

and direct the (ii) And after hearing the parties be pleased to quash / set aside the order of rejection dated 30.07.2022 issued by the opp.party no.3 under Annexure - 4 opp.parties to release pension and pensionary benefits in favour of the petitioner w.e.f. 01.11.2003 by counting the period of service from 19.02.1970 to 31.10.2003; within a date to be fixed by this Hon'ble Court.

And pass such other order/orders granting complete relief to the petitioner.

And for this act of kindness the petitioner shall as in duty bound ever pray"

6. Learned counsel appearing for the Petitioner contended that even though Petitioner continued in the work charged establishment all through for the period from 19.02.1970 to 31.10.2003, but he was never regularised prior to his retirement and accordingly he was deprived to get the benefit of pension and

other pensionary benefits in terms of the provisions contained under OCS (Pension) Rules, 1992.

6.1. It is contended that this Court when directed for consideration of claim of the Petitioner to get the benefit of pension with due regularisation of his services vide order dated 25.04.2022, such a decision instead of being taken by Opp. Party No.1, who is competent, was taken the Opp. Party No.5 without proper appreciation of the Petitioner's claim vide the impugned order dated 30.07.2022 under Annexure-4.

6.2. Learned counsel appearing for the Petitioner contended that since Petitioner continued in the work-charged establishment all through, his claim is covered by the decision of the Tribunal so passed in the case of ***Narusu Pradhan Vs. State of Orissa, O.A. No.1189(c) of 2006***, further confirmed by this Court and so also by the Apex Court. It is further contended that claim of the Petitioner is now also covered by the decision of the Hon'ble Apex Court in the case of ***State of Orissa & Ors. Vs. G. Balakrishna, SLP (Civil) Diary No.33400 of 2023***.

6.3. It is accordingly contended that with quashing of the impugned order dated 30.07.2022 so passed by Opp. Party No.5 under Annexure-4, Opp. Party No.1 be directed to take a decision on the Petitioner's claim, taking into account the order passed in the case of ***Narasu Pradhan*** with extension of the benefit of pension and so also ***G. Balakrishna*** within a stipulated time period.

7. While supporting the impugned order, learned ASC contended that since Petitioner prior to his retirement was never regularised

nor any claim was made in that regard, considering the nature of order passed in W.P.(C) No.7668 of 2022, Opp. Party No.5 rejected the same vide the impugned order dated 30.07.2022 under Annexure-4.

7.1. It is contended that since Petitioner was never regularised prior to retirement, no illegality or irregularity can be found with the impugned order. It is further contended that on his retirement, Petitioner is getting the EPF pension and he has also received the gratuity as due and admissible.

8. Having heard learned counsel for the Parties and considering the submission made, this Court find that Petitioner continued in the work-charged establishment w.e.f. 19.02.1970 to 31.10.2003. However on the face of such long continuance in the work-charged establishment, Petitioner was never regularised till his retirement on 31.10.2003.

8.1. This Court when directed for consideration of his claim vide order dated 25.04.2022 in W.P.(C) No.7668 of 2022 under Annexure-3, Opp. Party No.5 rejected such claim of the Petitioner vide the impugned order dated 30.07.2022 under Annexure-4. It is the view of this Court that since Petitioner is a retired employee, such a decision should have been taken by Opp. Party No.1 being the competent authority.

8.2. It is also found that while rejecting the Petitioner's claim, relevancy and effect of the order passed in the case of ***Narasu Pradhan*** so upheld by this Court and by the Apex Court has not been taken to consideration nor the benefit extended in the favour of ***Narasu Pradhan*** by the State. Similarly similar claim allowed

by this Court has been upheld by the Apex Court in the case of ***G. Balakrishna*** (so cited supra).

8.3. In view of the aforesaid analysis and the fact that Petitioner's claim has been rejected by Opp. Party No.5, this Court while quashing order dated 30.07.2022 so passed under Annexure-4, directs Opp. Party No.1 to take a fresh decision on the Petitioner's claim, taking into account the nature of order passed in the case of ***Narasu Pradhan*** and so also ***G. Balakrishna,*** as expeditiously as possible preferably within a period of three (3) months from the date of receipt of this order with due communication to the Petitioner.

9. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti

Signature Not Verified
Digitally Signed
Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 31-Oct-2026 10:47:38