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IN THE HIGH COURT OF ORISSA AT CUTTACK
WA No.2027 of 2024
CNR No. ODHC010525602024

State of Odisha and others .... ***Appellants***
Mr. Debraj Mohanty, AGA

-versus-

Bhikari Charan Samal and others .... ***Respondents***
Mr. Sanjib Mohanty, Advocate

CORAM:
HO'BLE MR. JUSTICE B. P. ROUTRAY
HO'BLE MISS JUSTICE SAVITRI RATHO

ORDER
11.11.2026

Order No.

03. 1. Heard Mr. D. Mohanty, learned AGA for the Appellants and Mr. S. Mohanty, learned counsel for the Respondents.

2. Present Writ Appeal is directed against the order of learned Single Judge passed in W.P.(C). No.5340 of 2024, wherein learned Single Judge has directed the Appellants to extend all such pensionary benefits in favour of the Respondent pursuant to the direction contained in similar Writ Petitions.

3. The Respondent is undoubtedly a job contract employee, whose service was brought to regular establishment in the year 2009 and he retired in the year 2012. It is agreed at the Bar that present issue involved in this Appeal is squarely covered by the decision of the Hon'ble Supreme Court in the case of ***State of Odisha vrs- Sudhanshu Sekhar Jena,*** **2025 SCC OnLine SC 385**, and batch. The Hon'ble Supreme Court in the said case have allowed the Appeal of the State preferred against the directions

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contained in different Writ Petitions of this Court relating to extension of pensionary benefits of the job contract employees. It is thus confirmed that such employes will receive the minimum pensionary benefit in terms of Rule 18(6) of the Orissa Civil Services (Pension) Rules [for short 'OCS (Pension) Rules'], 1992.

4. So, there is no quarrel over the proposition as already settled by the Hon'ble Supreme Court in the above referred decision to count minimum qualifying pension in favour of the Respondent in terms of Rule 18(6) of the OCS (Pension) Rules, 1992.

5. Mr. Mohanty, learned counsel for the Respondent, at this stage, submits that an additional sum of Rs.1,50,000/- should be granted in favour of the Respondent as was given to those persons covered in the decision of ***Sudhanshu Sekhar Jena*** (supra) and batch, for the reason that present Writ Appeal is filed with delay of 98 days.

6. This is objected by Mr. Mohanty, learned AGA on the ground that in those cases before the Hon'ble Supreme Court, there was inordinate delay in filing the Writ Appeal as well as the SLP as observed at paragraph-3 of the decision of the Hon'ble Supreme Court. Since no inordinate delay is found here in filing the present Appeal, the question of granting additional benefits in terms of direction of the Hon'ble Supreme Court does not arise here.

7. We have heard learned counsel for both the parties on this particular issue regarding payment of additional amount of

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Rs.1,50,000/-. This Court vide order dated 5th November, 2026 has already condoned the delay in filing present Appeal. It is true that the delay of 98 days, as has already been condoned by us earlier, cannot be considered as inordinate delay in filing the Appeal and thus, keeping in view the reasons enunciated at Paragraph 3 & 20 in afore-cited decision, we are not inclined to extend such benefit of payment of extra amount in favour of the Respondent and the prayer of the Respondent in this regard is rejected.

8. The Writ Appeal is allowed accordingly and the order of learned Single Judge at Annexure-1 is set aside.

9. Interim order passed earlier stands vacated.

(B.P. Routray)
Judge

(Savitri Ratho)
Judge

M.K.Panda/Rojalin