IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 36665 of 2026
CNR No. ODHC010860452026

Bhagyadhar Samal ***.....*** ***Petitioner***

Mr. S. Mohanty, Adv.

-versus-

State of Odisha & Ors. ***.....*** ***Opposite Parties***

Dr. P.P. Behera, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
11.11.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Parties.

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

> *"The petitioner, therefore prays that this Hon'ble Court may graciously be pleased to admit the writ petition, issue notice to the opposite parties to file their show cause as to why the case of the petitioner shall not be allowed and after hearing the parties, the case of the petitioner be allowed and necessary order be passed that the petitioner shall be entitled to receive the pension as if the petitioner has retired from the regular establishment and direct the opp. parties to regularize the service of the petitioner w.e.f. completion of 5 years of service in work charged establishment to his superannuation notionally and grant pension and pensionary benefit under the old rule in the light of the decision in the case of this Hon'ble Court passed in subsequent decision of this Hon'ble Court in a case of State of Odisha Vrs. Pitambar Sahoo WPG NO- 24041 of 2017 disposed of on 20.12.2017 which has been affirmed in SLP (C) Diary No-3 0806 of*

2018 and the entire benefit be given to him within a stipulated period.

And further to direct the opp. parties to take the petitioner in regular establishment in the light of the orders dated 16.11.1999 passed by the tribunal in O.A. No.2559 (C) of 1999 (Kasidev Maharana vrs. State (Orissa & Ors.) and batch, which has been confirmed by this Hon'ble Court vide order dated 08.01.2018 passed in WP(C) No.7246 of 2016 and re-affirmed by the Apex Court vide order dtd.30.07.2018 passed in Dairy No.23207 of 2018, in view of implementation of the order of the tribunal pursuant to the common judgment dtd.27.07.2021 passed by this Court in CONTC (CPC) No.305 of 2000 and batch and in the light of order dtd.28.06.2022 passed in WPC No-24918/2013 (Pitabas Pradhan and others VRS. State Of Orissa and Others) which has been affirmed in SLP (Civil) Dairy No-31176/2023 and in the light of order dtd. 28.09.2022 passed in WPC No-24744/2022 (Antaryami Sahoo Vrs. State of Odisha & Others) which has been affirmed in SLP (Civil) Dairy No- 52721/2024 already implemented by the state by calculating the entire work charge service period.

And/or the Opp. Parties may kindly be directed to dispose the representation filed by the petitioner vide Annexure-3 within a stipulated time;

And to pass any other writ(s)/direction(s)/ order(s) and this Hon'ble court may deem fit and proper.

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

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioner to make a fresh representation before Opp. Party No.1 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three (3) weeks hence.

5. It is observed that if such representation is filed within the aforesaid time period, Opp. Party No.1 shall do well to take a lawful decision on the same within a period of three (3) months from the date of receipt of such representation. The order so passed

by Opp. Party No. 1 be communicated to the Petitioner within the aforesaid time period.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Nitu Prava

Signature Not Verified
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Reason: Authentication
Location: OHC, Cuttack
Date: 13-Nov-2026 10:06:21