IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.3243 of 2024

State of Odisha & another …. ***Appellants***

Mr. U.C. Behura, AGA

-versus-

Jyoti Prakash Satpathy & others …. ***Respondents***

Mr. Sanjib Mohanty, Advocate for R.1

CORAM:

JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH

ORDER

07.04.2026

Order No.
06.

Heard learned counsel for the parties.

2. First Respondent-employee's W.P.(C) No.21346 of 2022 came to be allowed by a learned Single Judge vide order dated 20.10.2022 granting him the benefit of O.C.S. (Pension) Rules 1992 and GPF (O) Rules, 1938. Paragraphs 16 & 17 of the order read as under:

> *"16. Be that as it may, in view of the admitted position with regard to the selection of the Petitioner with publication of the select list under Annexure-2 on 07.01.2000 and the vacancies available in respect of General (male candidate as reflected under Annexure-1 and the order passed by the learned Tribunal in the aforementioned case, the Petitioner's claim for his inclusion under the provisions of OCS (Pension) Rules, 1992 and the GPF(O) Rules, 1938 needs favourable consideration.*

17. Accordingly, this Court while allowing the prayer made in the writ Petition directs the Opp. Parties to extend the benefit of coverage under OCS (Pension), Rules, 1992 and the GPF(O) Rules, 1938 in favour of the Petitioner. It is further directed that the Opp. Parties shall complete the entire exercise within a period of three months from the date of receipt of this order."

3. State and its functionaries have preferred this Intra Court Appeal against the above order specifically taking up a contention that under Sub-Rule 4 of Rule 3 of the Pension Rules, the question of granting of pensionary benefit would arise only on the candidates being appointed under the Government. This aspect having been lost sight of by the learned Single Judge, learned AGA submits, interference of this Court is eminently warranted. Learned counsel representing the first Respondent-employee resists the Intra-Court Appeal making submission in justification of the impugned order and the reasoning at Paragraphs 16 & 17, culled out above, on which it has been constructed.

4. Having heard learned counsel for the parties and having perused the Appeal papers, we decline indulgence in the matter broadly agreeing with the reasoning of the learned Single Judge specifically at Paragraphs 16 & 17 thereof. To the same, we add that under the extant Recruitment Rules, the Select List will be valid ordinarily for a period of one year.

Pursuant to the Advertisement of 1995, the Select List was prepared on 07.01.2000 and sent to the Government for operation. However, Government slept over the same for a period of seven years. No plausible explanation is forthcoming for keeping the same in limbo for such a long period, especially when the validity of Select Lists of the kind, itself is one year.

5. Ours being a model and welfare State as ordained by the Constitution of India, the authorities howsoever high they may be, have to act in accordance with law. No plausible explanation is offered as to why for seven long years, the appointment orders were not issued to these poor candidates. Granting relief to the Appellants herein would virtually amount to placing premium on their complacency of the officers to say the least. It hardly needs to be stated that for the fault of officials, a citizen cannot be punished. This inarticulate premise animates the impugned order.

6. The above apart, the present Appeal has been filed after brooking a long delay of 744 days. Application in I.A. No.8410 of 2024 supported by an affidavit accompanies the appeal memo seeking its condonation. A perusal of the same does not generate confidence in its version. Almost identical sentences appear in other cases, which we have decided

against the Government and therefore, there is nothing that lures the Court to take a different view. We repeat, the explanation far from being plausible, is frugal and mechanical. Therefore, application for condonation of delay is also rejected.

In the above circumstances, this Appeal is liable to be dismissed and accordingly it is costs having been made easy.

Impugned order of the learned Single Judge shall be implemented in its letter & spirit within an outer limit of three months without giving scope of contempt action.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Prasant

Signature Not Verified
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Reason: Authentication
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