



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.5589 of 2026

Bipin Bihari Nayak

.....

Petitioner

Represented by Adv. –

Mr. Sanjib Kumar Rath

-versus-

State of Odisha and others

.....

Opposite Parties

Mr. C.M. Singh, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

23.02.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
3. The Petitioner has filed the present writ application with the following prayer:-

*“Under the above facts and circumstances of the case, it is humbly prayed that this Hon'ble Court may graciously be pleased to issue writ of mandamus/certiorari or any other appropriate writ be issued directing the Opp. Parties to release pension @ 50% of the last pay drawn, in accordance with the retirement benefits Rule 1981, otherwise in accordance with law, being the **approved** employee of an aided institution as due*



& admissible at the rate of 50% of the last pay drawn in favour of the petitioner in accordance with Orissa Aided Educational Institutions Employees Retirement Benefit Rules 1981 and taking into account the judgment pronounced by this Hon'ble Court in the case of Sarat Chandra Parida-V-State of Orissa and others reported in 2015(II) ILR-CUT-94 and judgment dtd.12.01.2024 passed in W.P.(C) No.17067/2023 within a reasonable time to be stipulated by this Hon'ble Court;

Or in alternative, in the interest of justice & equity, any other appropriate Writ(s), direction(s), order(s) be passed, directing the Opp. Parties to release pension and other financial benefits in favour of the petitioner from the date of his retirement in accordance with provisions of the retirement benefits rules with due interest on the arrear pension as this Hon'ble High court deem fit and proper.”

4. The subject matter of this petition is substantially similar to the one in ***Hemanta Kumar Chhotray v. State of Odisha & others, 2024 (1) OLR 709*** and therefore, counsel for the Petitioner submits that the benefit given to litigants in the subject case should be extended his client as well.

5. Learned Additional Standing Counsel appearing for the State-Opposite Parties submits that the said matter is subjudice in Writ Appeal No.197 of 2024. However, on being asked, he tells that there is no interim order staying the judgment of the learned Single Judge. This Court in a number of similar matters has already ordered extension of the said benefits subject to outcome of the Writ Appeal and therefore, the same course



needs to be adopted here also, if there are no other legal impediments.

6. Ordered accordingly, without expressing any opinion on the merits of the matter, the writ petition is disposed of subject to outcome of the writ appeal mentioned above. Compliance within eight (8) weeks.

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

(Aditya Kumar Mohapatra)
Judge

Debasis