

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 234 of 2021

State of Odisha and another ***Appellants***

Mr. M.K. Khuntia
Additional Government Advocate

-versus-

Dr. Sabita Tandia ***Respondent***

AND

W.A. No.526 of 2021, W.A. Nos.30, 249, 251, 253, 475, 634, 635, 636, 637, 866, 867, 868, 1037, 1040, 1171, 1173, 1174, 1176, 1200, 1367, 1400, 1445, 1446, 1447, 1448, 1470, 1471, 1472, 1473, 1474, 1475 and 1595 of 2022 & W.A. Nos.109, 154, 170, 209, 380, 382, 384, 385, 386, 388, 415, 432, 506, 534, 606 and 607 of 2023.

Mr. Budhadev Routray, Senior Advocate
Mr. C.S. Panda, Advocate
Mr. G.R. Sethi, Advocate
Mr. S.K. Ojha, Advocate
Mr. K.C. Sahu, Advocate
Mr. S. Mallik, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE G. SATAPATHY

ORDER

25.04.2023

Order No.

03. 1. In all these appeals, the question that arises is the consequential benefits that the Respondents/Employees would be entitled to upon regularization. It is pointed out that there are two types of cases in this batch. In one set of cases (hereafter 'Type A cases'), the employees were contractually engaged before 1st January, 2005 but regularized thereafter and have been directed by the learned Single Judge to be extended the benefit of the Old Pension Scheme (OPS) by treating them regularized with effect from their initial date of

engagement. In those cases, after the order was affirmed by the Division Bench, the matter has been taken by the State Government to the Supreme Court in SLP(C) No.4253 of 2021 in which, an order was passed on 10th April, 2023 directing notice to issue and the proceedings in the corresponding contempt petitions to be stayed.

2. In the other set of cases (hereafter ‘Type B cases’), the orders of regularization of the Respondent employees were passed after 1st January 2005, and the learned Single Judge has, without ordering that their regularisation should date back to their initial engagement, still directed that the OPS should be extended to them by counting their period of contractual engagement as qualifying for pension.

3. Mr. Khuntia needs time to segregate this batch of cases into the Type A and Type B cases. Accordingly, he will file, before the next date, a written note of submissions pertaining to each of the two types of cases. The counsel for the Respondents are also at liberty to file their written submissions before the next date.

4. In that view of the matter, these appeals are directed to be listed on 4th September, 2023. The interim orders passed earlier shall continue till the next date.

(Dr. S. Muralidhar)
Chief Justice

(G. Satapathy)
Judge