



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. Nos.676, 677, 683, 686, 688, 690, 2135, 277 of 2024

&

W.A. No.815 of 2025

***State of Odisha & others
(except in W.A. No.277 of
2024 in which Principal
Secretary to Govt. of Odisha
Water Resources Deptt.,
Bhubaneswar & others are the
Appellants)***

....

Appellants

Represented by Adv.-
Mr. J.K. Khandayatray, ASC
Mr. S.B. Panda, AGA
Mr. S.B. Mohanty, AGA

-versus-

***Khali Gauda
Pramod Kumar Khuntia
Chintamani Sahoo
Abhinna Kumar Parija
Banshidhar Behera
Bhimsen Mohapatra
Gangadhar Rauta
Sunakar Swain
Chakradhar Palei***

***(In WA No.676 of 2024)
(In WA No.677 of 2024)
(In WA No.683 of 2024)
(In WA No.686 of 2024)
(In WA No.688 of 2024)
(In WA No.690 of 2024)
(In WA No.2135 of 2024)
(In WA No.277 of 2024)
.... (In WA No.815 of 2025)***

Respondent(s)

Represented by Adv.-
Mr. S. Patra, Adv. in all except
WA Nos.2135 & 277 of 2024 &
W.A. No.815 of 2025

Mr. P.K. Mohapatra in
W.A. Nos.2135 of 2024 & W.A.
No.515 of 2025

Mr. S. Behera, Adv.
in W.A. No.277 of 2024



CORAM:

**JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH**

**ORDER
26.03.2026**

**Order No.
01.**

The subject matter of the present Appeals is substantially similar to that considered by this Court in *State of Orissa vs. Jhuma Parida & others*, O.J.C. No. 1162 of 1999; *State of Orissa vs. Sudarsan Sahoo & others*, O.J.C. No. 11028 of 1999; and subsequently in *Abhaya Charan Mohanty vs. State of Odisha*, W.P.(C) (OAC) No. 3494 of 2013, disposed of on 14.07.2021. The decision in *Abhaya Charan Mohanty* (supra) was carried to the Hon'ble Supreme Court by the State in **Civil Appeal No. 21498 of 2012** and came to be dismissed by order dated 19.12.2011. The same principle was thereafter followed in *Narusu Pradhan vs. State of Orissa*, O.A. No. 1189(C) of 2006. In all the aforesaid matters, the Petitioners, who had initially been engaged in the work-charged establishment, were held entitled to pensionary benefits upon retirement, with their services being reckoned retrospectively for the purpose of qualifying service.

2. A Co-ordinate Bench in this Court in a similar matter in the case of *Chandra Nandi vs. State of Odisha and others* reported in **2014(I) OLR 734** too directed extending the benefit to the Petitioners notionally regularizing the services prior to the superannuation from service and to calculate the pensionary benefits. Similarly, another Co-ordinate Bench in **W.A. No.226 of 2024** between *State of Odisha & Anr. vs. Phanindra Kumar Mishra*



disposed of vide order dated 25.08.2025 also dealt in similar matters.

Relevant paragraphs of the said order are extracted as under:

"7. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that the Writ Appeal merits no consideration as similarly situated employees have already been extended with benefit of regularization in service and release of pensionary benefit in their favour. No material contrary to such direction/action of the State Government has been placed before us to take a different view.

8. Accordingly, taking into consideration of the fact that the direction in the case of Narasu Pradhan (supra) has already been implemented and the Respondent stands on a similar footing, the Respondent herein deserves the same treatment.

9. Since the Respondent is fighting out litigations since 2022 for his regularization, notional benefits as well as pensionary benefit, in terms of the direction in W.P.(C) No. 9296 of 2022 is expected to be extended to the Respondent within a period of four months hence."

3. Furthermore, this Bench in **W.A. No.1598 of 2024** between ***State of Odisha & Ors. vs. Basanti Das*** disposed off on 02.02.2026 too held as follows:

"12. An employee who has rendered long and continuous service under a work-charged establishment in terms of the governing resolutions cannot be placed at a disadvantage merely because the employer failed to take timely administrative steps. The State, having framed policies for amelioration of service conditions of such employees, is under a corresponding obligation to implement them meaningfully, and failure to do so cannot be permitted to prejudice post-retiral security. Such limited notional intervention neither disturbs the service hierarchy nor confers collateral service benefits such as back wages or seniority. The relief is confined strictly to pensionary benefits, which are in the nature



of deferred compensation and social security, and which courts have consistently treated not as a matter of discretion, but as a right flowing from the applicable service framework.

13. It goes without saying that pension being a measure of post-retiral social security, the State cannot be permitted to frustrate its own executive decisions by inaction. Once eligibility under the governing instructions is established, the consequential pensionary benefits must follow. Such a direction represents a measured application of settled law to prevent manifest injustice and to ensure that policy decisions are not rendered illusory by administrative inertia.

14. The Hon'ble Supreme Court too, has recently affirmed the same position in *Bhola Nath vs. State of Jharkhand*, 2026 INSC 99, reiterating that pension, being a facet of social security and a constitutional guarantee against arbitrariness, cannot be denied on technical or procedural grounds when substantive eligibility stands established.

15. In view of the foregoing discussion, the present case clearly falls within the category of cases where long and continuous service under the work-charged establishment, coupled with employer inaction despite enabling policy decisions, warrants limited notional intervention to effectuate pensionary entitlement.”

4. The principle that persons similarly situated cannot be subjected to differential treatment constitutes the bedrock of the equality doctrine enshrined in Constitution of India. Article 14 mandates equality before the law and equal protection of the laws, thereby proscribing arbitrariness in State action.

Any unreasonable or discriminatory distinction between individuals placed in identical or comparable circumstances, whether in matters of pay, service benefits, or promotion, would fall



foul of the constitutional guarantee. The governing norm remains that 'like cases must be treated alike', and any deviation must withstand the test of intelligible differentia and rational nexus.

5. Taking cue from the aforesaid principles, learned counsel for the Respondents contends that cases resting on identical factual and legal foundations must receive identical treatment, and that the operative directions issued in the cognate matters ought to be incorporated in the present order as well. We find substantial merit in the said submission and are in respectful agreement with the contention advanced on behalf of the Respondents.

6. In the aforesaid circumstances, the present Appeals are disposed off in terms of the orders passed in *Narusu Pradhan vs. State of Orissa* (supra) and *Basanti Das vs. State of Odisha* (supra), and shall be governed by the same directions and consequences as expounded therein. The entire exercise of extending the benefit be completed within a period of eight weeks.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Prasant