



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.12767 of 2026

Sudha Krushna Dutta

.....

Petitioner

Represented by Adv. -
Sushree Sangita Pasayat

-versus-

State Of Odisha and others

.....

Opposite Parties

Represented by Adv. –

Mr. S. Behera, AGA

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

18.05.2026

Order No.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This matter has been listed on Court's own motion at the instance of the Petitioner with a prayer to recall of order dated 08.05.2026 due to not reflected in the 'CORAM' of Hon'ble Judge's name. The order dated 08.05.2026 is hereby recalled. In its place the following order is hereby passed.
3. Heard learned counsel appearing for the Parties.
4. The present writ petition has been filed by the Petitioner with the following prayers:-

“Under the above circumstances it is therefore humbly prayed that this Hon'ble Court may graciously be pleased to:

- i. Admit this writ application by calling for the records/documents from the opp. Parties;*
- ii. Issue writ of mandamus or any other appropriate writ(s)/direction(s)/order(s) directing the Opp.*



parties, particularly opp.party No. 1- Commissioner-Cum- Secretary, Higher Education Department and opp. Party No.2-Director, Higher Education to sanction and pay the pension and pensionary dues to the petitioner w.e.f., 01.03.2024 in pursuance to order passed by this Hon'ble Court in *Sri Sarat Chandra Parida Vs State of Odisha and Others*, 2015 1 I) ILR -CUT-94 and the Judgment dated 12.01.2024 passed by this Hon'ble Court in *Hemanta Kumar Chhotaray vs. State of Odisha and others* (14/P.(C) NO.17067 of 202 j) as well as in terms of Rule-3 of 'the Orissa Aided Educational Institutions' Employees Retirement Benefit Rules, 1981;

iii. Issue further direction(s)/order(s) directing the opp. parties, particularly opp.party No. 1 and 2, to calculate the differential arrears of pension and pay same to the petitioner within a stipulated period;

iv. Pass such other order/ orders as this Hon'ble Court may deem it fit and proper to give complete relief to the petitioner.

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

5. The subject matter of this petition is substantially similar to the one in ***Hemanta Kumar Chhotray v. State of Orissa and 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.

6. Learned Additional Govt. Advocate 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.



7. 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.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 20-May-2026 12:18:06

