



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1233 of 2025

State Of Odisha

....

Appellant

Mr. Satya Brata Mohanty, Advocate

-versus-

Bhagaban Barik and Others

....

Respondents

CORAM:

JUSTICE KRISHNA S. DIXIT

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
08.05.2026

01. I.A. No.3145 of 2025

This Intra-Court Appeal is moved by the State and its officials against order of the learned Single Judge. They have brooked a delay of 539 days in filing the appeal and an application in I.A. No.3145 of 2025 accompanies the appeal memo, and is supported by an affidavit. Some explanation has been offered for the delay with which we are not fully satisfied. In matters like this we have awarded a cost of ₹20/- per day of delay for favourably considering the request for its condonation.

2. In the above circumstances, application in I.A. No.3145 of 2025 having been favoured, delay of 539 days is condoned, subject to Appellants collectively paying a sum of ₹10,780/- (Rupees Ten Thousand Seven Hundred Eighty only) to the Respondent within three weeks, failing which the Application



shall be deemed to have been rejected and as a consequence, the Appeal as well.

The I.A. is disposed off.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge

02. W.A. No.1233 of 2025

This Intra-Court Appeal by the State seeks to lay a challenge to a learned Single Judge's order dated 20.12.2023 whereby Respondent-employees' W.P.(C) No.41401 of 2023 having been favoured, relief has been accorded in terms of Para-12 thereof as under:

“The only benefit the petitioner is to get his pensionary benefits payable to the Petitioner i.e. required to be considered in the present writ petition. Since the benefits have been granted to other similarly placed work charged employees by notionally considering them as regular establishment employee and as such the pensionary benefits have been given to them, the same benefit needs to be extended to the Petitioner for services rendered by him under the State Government for several decades continuously that too on payment of a paltry amount every month. The whole objective of the pension scheme is to support an employee and his family after retirement which is in recognition of his relentless service to the Govt. and such benefits are provided under the Rules on humanitarian considerations.

In view of the aforesaid facts and circumstances, the present writ petition is allowed



and the Opposite Party No.4 are directed to consider the case of the Petitioner in the event it is found that the Petitioner stands in a similar footing with the persons as has been referred to hereinabove. In such eventuality, the benefits, the benefits which have been extended in favour of the Petitioner within a period of two months from the date of communication of a certified copy of this order. The Opposite Party No.4 shall do well to keep the Petitioner informed of such development and the order passed by the Opposite Parties be communicated to the petitioner within two weeks from the date of passing such order”

2. Learned counsel appearing for the Respondents submits and we agree that the subject matter of this appeal is substantially similar to the one in Writ Appeal No.1598 of 2024 between ***State of Orissa & Ors. vs. Basanti Das*** disposed off by us on 02.02.2026 wherein Paragraphs 12, 13, 14 & 15 read as under:

“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."*

3. In the above circumstances, there is nothing more to be adjudicated in the matter and accordingly in terms of **Basanti Das** (supra), this Appeal is also disposed off. The benefits shall be extended to the Respondents-employees within an outer limit of eight weeks, failing which delay may entail levy of ₹500/- per day and after payment of the same to the Respondent, it is to be recovered from the erring officials of the Department.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge

AK Pradhan

Signature Not Verified

Digitally Signed
Signed by: ANANTA KUMAR PRADHAN
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 11-May-2026 11:42:13

