



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.22464 of 2024

Prakash Kumar Biswal

.....

Petitioner

Represented by Sr.Adv.
– Ms. Sujata Jena along
with Ms. Sonali Panda,
Adv.

-versus-

***Vice Chancellor Utkal
University, Vani Vihar,
Bhubaneswar & Anr.***

.....

Opposite Parties

Represented by Adv. -
Mr. D.Mohapatra

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

23.04.2026

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard Ms. Sujata Jena, learned senior counsel for the Petitioner, Mr. D.Mohapatra, learned counsel appearing for the Utkal University-Opposite Parties.
 3. The Petitioner has filed the present writ application with the following prayer:

“In the facts and circumstances of the case, the petitioner respectfully prays that the Hon'ble Court may be graciously pleased to admit this writ petition, issue notice to the Opp. Parties to show cause as to why the order dt.10.07.2024 under Annexure-9 shall not be quashed and if the Opp. parties fail to show cause or show insufficient



cause, the Hon'ble Court may be further pleased to allow this writ Petition in issuing a writ in the nature of mandamus or any other appropriate writs directing the Opp. parties to take immediate steps for sanction and release of pension & other pensionary benefits within a stipulated time and may be further pleased to pass such other order/orders, direction/directions as may be deemed expedient in the interest of justice.”

4. The facts, relevant only to decide the present application, are that the petitioner was appointed as Junior Assistant in the Utkal University on 05.12.1987 on consolidated wage basis. The petitioner's service was ultimately regularized as per order dated 25.07.2023. On attaining the age of superannuation, the petitioner was permitted to retire from service on 31.05.2023. Despite rendering more than 30 years of continuous service, the petitioner was not paid pension on the ground that her case would be considered under the new contributory pension scheme dated 13.07.2006 of the Finance Department.

5. According to the petitioner, he, having been appointed in the year 1987, should be governed under the provisions of the Odisha Pension Rules, 1977 and his qualifying service ought to have been counted by taking his entire past service into account. Moreover, for the fault of the opposite party-authorities, the petitioner should not be made to suffer inasmuch as despite repeated orders passed by this Court in different writ applications as also the Supreme Court, the authorities took as long as 40 years to regularize the services of the petitioner. Under such circumstances, the petitioner cannot be deprived of his legitimate right to pension under the Odisha Pension Rules.



6. The stand of the University is that the matter of pension was referred to the Government, as petitioner's emoluments were being paid from out of the grant sanctioned by the Government. Accordingly, on 10.10.2012, the Government in the Department of Higher Education, while concurring with the proposal for regularization of the services of 15 (fifteen) employees, including the petitioner, observed that necessary payment of salary and other allowances shall be made to the said employees by the University from its own resources without any financial burden on Government in future. It was further stipulated that the salary/other dues shall not be part of annual block grant sanctioned by the Government.

7. During the year 2024, the Registrar of the University allowed the salary and other allowances to the petitioner may be paid from the University's own resources without any financial burden on the Government.

8. From the foregoing narrations and the stand taken by the Government, this Court finds that there is nothing left for adjudication in the writ application inasmuch as admittedly, the petitioner was appointed way back in the year 1987, but his services were regularized on the basis of the order dated 10.10.2012 of the Government. Basing on the Government order, the University passed an order on 25.07.2023 specifically mentioning therein that the services of the petitioner are regularized as Junior Assistant with effect from 09.12.1987 in the prevalent scale of pay.

9. In view of the specific order quoted above, the petitioner must be deemed to have been a regular employee of the University from 09.12.1987. To such extent therefore, he would be entitled to pension as per the rules applicable to such employees, namely, the



Odisha Civil Service (Pension) Rules, 1992. Such being the case, the University obviously cannot take a stand that the financial resources towards salary and other allowances, including pension, are to be provided by the Government. In fact, the Government has made it clear that the University can meet these expenses from its own resources. Since this is a case concerning a regular employee of the University, he cannot obviously be deprived of his legitimate pensionary dues by the University on the ground that his salary and other emoluments are dependent on the grant sanctioned by the Government from time to time. It is needless to mention that once he becomes a regular employee, it is for the University to meet the expenses towards his salary and other allowances.

10. It is a matter of concern that the petitioner, after rendering more than three decades of regular service to the University, retired on superannuation on 31.05.2023 without being granted pension and pensionary benefits. More than three years have passed in the meantime and yet he is deprived of his legitimate dues towards pension and pensionary benefits. It is well settled that pension, not being a gratis, cannot be withheld without any justified reason.

11. This Court, after going through the materials available on record and in particular, the communications between the University authorities and the Government, finds no justified reason for the University to have deprived the petitioner from his pension and pensionary benefits.

12. For the foregoing reasons therefore, the writ application is allowed. The University authorities are directed to pass necessary orders to sanction and disburse the pension and other pensionary benefits in favour of the petitioner, as per the provisions of the



Odisha Civil Service (Pension) Rules, 1992, without any further delay and in any case, not later than one month from the date of production of certified copy of this order by the petitioner. Furthermore, taking into consideration the submission made by the learned counsel appearing for the Opposite Parties-University, it is directed that in the event any approval is sought for from the Finance Department, Govt. of Odisha, the said Department shall take necessary steps as expeditiously as possible to grant such approval, preferably within a period of two weeks.

(A.K. Mohapatra)
Judge

Rubi