



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.30079 of 2025

Prakash Chandra Mishra

.....

Petitioner

Mr. B.S. Tripathy, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. A. Tripathy, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.12.2025

Order No.03

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. Petitioner has filed the present Writ Petition *inter alia* with the following prayer:-

“The petitioner, therefore, most respectfully prays that your Lordships may graciously be pleased to admit this writ application and issue Rule NISI to the OPs to show cause as to why the impugned order dtd.17.09.25 under annexure-8 shall not be quashed and further why a direction shall not be issued to the OPs to grant pensionary benefits in favour of the petitioner under OCS (Pension) Rules, 1992 taking into account this service rendered by him on NMR basis, work charged establishment and regular establishment within a stipulated period;

And on their failing to show cause or showing insufficient cause, the said Rule be made absolute by issuing appropriate writ(s);

And pass such further order/ orders as may be deemed fit and proper in the facts and circumstances of the case;

And allow this writ petition with cost;



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

4. It is contended that Petitioner while continuing as a NMR, he was brought over to the work-charged establishment vide office order dtd.03.12.2009 under Annexure-2. Not only that while continuing in the work-charged establishment, Petitioner vide office order dtd.11.08.2021 under Annexure-4 was brought over to the regular establishment as against the post of Junior Clerk.

4.1. It is contended that while continuing as a regular Junior Clerk in the establishment of Opposite Party No.4, Petitioner retired from his services on attaining the age of superannuation on 31.05.2024.

4.2. It is contended that since Petitioner after continuing for around three years in the regular establishment retired and his qualifying service fell short of 10 years, which is the minimum required qualifying service, to get the benefit of minimum pension under OCS (Pension) Rules, 1992 (in short 'Rules'), Petitioner's claim to get the pension and pensionary benefit was never considered.

4.3. Placing reliance on the provisions contained under Rule-18(4) of the OCS (Pension) Rules, 1992 and the decision rendered by this Court in its judgment dtd.12.01.2024 in W.P.(C) No.11241 of 2020, learned counsel appearing for the Petitioner contended that Petitioner is eligible and entitled to get benefit of minimum pension and for that purpose so much of service rendered in the work charged establishment is to be treated as qualifying service in terms of the Rs.18(4) of the aforesaid rules.

5. Mr. A. Tripathy, learned Addl. Govt. Advocate for the State on the other hand contended that since Petitioner has not made a



comprehensive representation in order to get the benefit, the Writ Petition with the prayer as made is not entertainable.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioner while continuing as a NMR, he was brought over to the work charged establishment vide office order dtd.03.12.2009 under Annexure-2, Petitioner thereafter was brought over to the regular establishment vide order dtd.11.08.2021 under Annexure-4. While so continuing Petitioner retired from his services on attaining the age of superannuation on 31.05.2024. Since admittedly Petitioner has not rendered more than 10 years of service in the regular establishment, Petitioner in terms of the provisions contained under the Rules is not eligible and entitled to get the benefit of minimum pension.

6.1. However, in view of the provisions contained under Rule-18(4) of the Rules and the decision relied on by the learned counsel appearing for the Petitioner, this Court permits the Petitioner make a fresh representation before Opposite Party No.1 for consideration of his grievance.

6.2. It is observed that if any such application will be filed within a period of three (3) weeks hence, Opp. Party No.1 shall do well to take a lawful decision on the same within a period of three (3) months from the date of receipt of such application. The order so passed by Opp. Party No.1 be communicated to the Petitioner.

6.3. It is further observed that while taking such a decision, relevancy and effect of the provisions contained under Rule-18(4) of the Rules and the judgment in W.P.(C) No.11241 of 2020 be



taken into consideration. Such a decision be taken and communicated within a period of four (4) months from the date of receipt of this order.

7. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha