



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 25891 of 2024

Sasmita Sarangi & Another* *Petitioners

Mr. Prasanta Kumar Mishra, Advocate

-versus-

State of Odisha & Others* *Opp. Parties

Mr. Arupananda Das, AGA

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

21.10.2024

Order No.

01. 1. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).
2. Heard Mr. Prasanta Kumar Mishra, learned counsel appearing for the Petitioners and Mr. Arupananda Das, learned Addl. Govt. Advocate.
3. The Petitioner has filed this Writ Petition with the following prayer:-
- “i. Admit and allow the writ petition and;



ii) Direct the Opposite Parties to include the petitioners under the Old General Provident Fund (Orissa) Rules, 1938 and the Orissa Civil Service (Pension) Rules, 1992 and;

iii) Further be pleased to direct the Opp. Parties to grant all the consequential financial and service benefits accrued out of the same within a stipulated period of time.”

4. Learned counsel for the Petitioners submits that the case of the Petitioners is squarely covered by the ratio laid down by **Ananda Dash and Seven Others - Vrs.- State of Odisha reported in W.P.(C) Nos. 15433 and 15856 of 2012 and W.P.(C) No. 1471 of 2013** which has also been confirmed by the Hon’ble Supreme Court and on the basis of such judgment, the Law Department sought further data pertaining to the appointment of all the employees during the period from 01.01.2005 to 17.09.2005 by all the District Judges and accordingly the data so far as the Petitioners are concerned was submitted by the learned District Judge which would indicate that the date of appointment of the Petitioner No.1 Sasmita Sarangi is 16.08.2005 and that of Petitioner No.2 Shantilata



Pattnaik is 10.08.2005 and the Govt. had adopted pick and choose method and would be granted benefit vide Annexure-7 in favour of one Ramakanta Das, who was joined on 16.08.2005 but no order has been passed in respect of the Petitioners.

5. Learned counsel for the State seeks some time to obtain instructions in this matter.

6. Issue notice to the Opposite Parties on the question of admission indicating therein that the matter shall be disposed of at the stage of admission.

Learned counsel for the State accepts notice on behalf of all the Opposite Parties. Five Extra copies of the brief be served on him in course of this week.

7. List this matter in the week commencing from 18.11.2024.

Counter affidavit, if any, be filed in the meantime serving copy thereof on the learned counsel for the Petitioner.

(S. K. Sahoo)
Judge

(Chittaranjan Dash)
Judge