



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36309 of 2022
CNR No. ODHC010911692022

Pabitra Mohan Sahu

....

Petitioner

Mr. C.R. Pattnaik, Adv.

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. A. Tripathy, AGA

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No.

03.08.2026

- 6.**
- 1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
 - 2.** Heard learned counsel appearing for the parties.
 - 3.** The present Writ Petition has been filed inter alia with the following prayer:

Under such circumstances, it is prayed that your Lordship would be graciously pleased to admit this Writ application call for records & after hearing the parties may be pleased to issue a writ/s, order/s, direction/s in the nature of certiorari quashing the letter dt.06.05.2022 under Annexure-3.

And further may issue a writ of mandamus directing the opposite party to grant pension and other retirement benefits by treating him as a regular employee of the department, at par with other similarly placed employees, availed tht benefit, within a stipulated period, as this Hon'ble Court deems just and proper.

And further may pass any other order/s , direction/s as this Hon'ble Court deems fit and proper to give relief to the Petitioner.



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

4. It is contended that even though Petitioner continued in the Work Charged establishment w.e.f 05.12.1981 till he attained the age of superannuation on 31.01.2013, but Petitioner was never regularised and thereby enabling him to get the benefit of pension and other pensionary benefits, as provided under OCS (Pension) Rules, 1992.

4.1. It is contended that claiming such benefit, Petitioner approached this Court by filing W.P.(C) No.10437 of 2022. This Court vide order dt.06.05.2022, when directed Opp. Party No.1 to consider the Petitioner's claim, the same was rejected vide the impugned order dtd.15.11.2022 under Annexure-3.

4.2. Learned counsel appearing for the Petitioner contended that rejection of the Petitioner's claim to get the benefit of pension and other pensionary benefits on the ground indicated in the impugned order, is no more sustainable, in view of the nature of order passed by the learned Tribunal in the case of **Narusu Pradhan**, so confirmed by this Court as well as by the Apex Court. It is also contended that order passed in the case of Narusu Pradhan has already been implemented.



4.3. It is further contended that recently Hon'ble Apex Court while dismissing a batch of SLPs in the case of ***State of Orissa and Others Vs. G. Balakrishna***, has confirmed the order passed by this Court on similar issue. (Copies of the orders so produced in Court be kept on record).

4.4. It is accordingly contended that with quashing of the impugned order and since it is not disputed that Petitioner continued in the Work Charged establishment all through w.e.f 05.12.1981 till 31.01.2013, Opp. parties be directed to extend the benefit of pension and other pensionary benefits, as due and admissible, under OCS (Pension) Rules, 1992.

5. Even though notice of the Writ Petition has been issued since 04.01.2013, but no counter affidavit has been filed as yet. However, basing on the available materials, learned Addl. Govt. Advocate contended that since Petitioner during his entire service career was never regularised and he retired while continuing in the Work Charged establishment, which is not a pensionable establishment, Petitioner's claim has been rightly rejected vide the impugned order dt.15.11.2022 under Annexure-3. It is accordingly contended that no illegality or irregularity can be found with the impugned order.



6. Having heard learned counsel for the parties and considering the submission made, it is found that Petitioner entered into service in the Work Charged establishment, where he joined on 05.12.1981, so reflected in Annexure-1. While so continuing in the Work Charged establishment all through, Petitioner retired on attaining the age of superannuation on 31.01.2013 under Annexure-2. However, claim of the Petitioner to get the benefit of pension under OCS (Pension) Rules, 1992 was rejected vide the impugned order dt.15.11.2022 under Annexure-3, on the ground that Petitioner was never regularised.

6.1. Placing reliance on the decision in the case of **Narusu Pradhan and G. Balakrishna** so cited supra and the fact that order passed in the case of Narusu Pradhan has been implemented, it is the view of this Court that Petitioner is eligible and entitled to get the benefit of pension and other pensionary benefits, in terms of the provisions contained under OCS (Pension) Rules, 1992.

6.2. In view of such position, this Court is inclined to quash order dt.15.11.2022 so passed by Opp. Party No.1 under Annexure-3. While quashing the said order, this Court directs Opp. Party No.1 to extend the benefit of



pension and other pensionary benefits, as due and admissible, in favour of the Petitioner, in terms of the provisions contained under OCS (Pension) Rules, 1992 as due and admissible. This Court directs Opp. Party Nos. 1 & 4 to complete the entire exercise within a period of three (3) months from the date of receipt of this order.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 06-Aug-2026 19:28:38

