

ITEM NO.20

COURT NO.9

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 36038/2010

(Arising out of impugned final judgment and order dated 08/03/2010
in WP No. 12377/2009, passed by the High Court Of Orissa At Cuttack)

STATE OF ORISSA & ORS. Petitioner(s)

VERSUS

RADHASHYAM MOHANTA & ORS. Respondent(s)

(Prayer for interim relief and office report)(For final disposal)

WITH SLP(C) No. 4911-4912/2013 (With Office Report)
S.L.P.(C)...CC No. 16265/2013
(With appln(s) for c/delay in filing SLP and Office Report)

Date : 10/07/2014 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. S.K. Katiriar, Sr. Adv.
Ms. Shalini Chandra ,Adv.
Ms. Swati Chandra, Adv.
Mr. Sudhanshu Saran, Adv.

Mr. Ashok Panigrahi ,Adv.
Mr. Santosh Kumar, Adv.
Ms. Ashmi Mohan, Adv.

Mrs. Kirti Renu Mishra ,Adv.
Ms. Apurva Upmanyu, Adv.

For Respondent(s) Mr. Anukul Chandra Pradhan, Sr. Adv.
Mr. Rahul Baid, Adv.
Mr. Saurabh Mishra, Adv.

Mr. Som Raj Choudhury, Adv.

Signature Not Verified

Mr. Kedar Nath Tripathy, Adv.

Digitally signed by
Naveen Kumar
Date: 2014.07.12
12:55:11 IST

Mr. Ashok Kumar Misra, Adv.

Reason:

Mr. Sanjeev Kumar, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Sajith. P ,Adv.

2

UPON hearing the counsel the Court made the following
O R D E R

S.L.P.(C)...CC No. 16265/2013

Delay condoned.
Heard Ms. Kirti Renu Mishra, learned counsel for the

petitioner and Mr. Sajith. P., learned counsel for the respondent.

The question that emerges for consideration in this special leave petition is whether the petitioner could have been treated to be eligible for pension regard being had to the fact that 10 years of regular service required under The Orissa Civil Services (Pension) Rules, 1992 ("Rules" for short). On a perusal of the order passed by the Tribunal, it is manifest that the Tribunal has referred to Rule 47(3) of the Rules and has allowed the benefit. The High Court has concurred with the said order.

Rule 47(3) of the Rules reads as follows:-

"47.
(2)

(3) In calculating the length of qualifying service, a fraction of a year equal to three months and above but less than six months shall be treated as a completed one-half year and the period of six months and above shall be reckoned as two half years.

(4)
(5)

It is not disputed that the respondent has rendered 9 years 11 months and 21 days service. In our considered opinion, he would fall within the compartment of sub-Rule 3 of Rule 47 of the Rules and, therefore, the view

3

expressed by the Tribunal is correct.

In the result, we do not find any substance in the special leave petition and accordingly, it is dismissed.

SLP(C) No. 36038/201 & SLP(C) No. 4911-4912/2013

List these matters on 16.9.2014.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER