

[O. H. C.-97-A]

ARNAB BEHERA, A.S.C.

In the High Court of Orissa M/s Prafulla Kumar

ORDER SHEET

Mohapatra, S.C. Saha

BLAPLAW. PWA No. 482/2023

of 20 23

(R-1)

STATE OF ODISHA

P. O. S. Petitioner

Versus

MAHESWAR BARIK

P. J. R. Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 10/03/2023</p> <p>Register and Put up for Orders</p> <p><i>[Signature]</i></p> <p>Registrar (Judicial)</p> <p>For S.P.</p> <p>8 15/3/23</p> <p><i>[Signature]</i> 16/3/23</p> <p>BIBHUDENDRA SARANGI ADDL. STAMP REPOSITORY</p>



FC081877

SCANNED



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 482 of 2023

*State of Odisha and others* .... *Appellants*

Mr. M.K. Khuntia, Additional Government Advocate

-versus-

*Maheswar Barik and another* .... *Respondents*

CORAM:


HON'BLE THE CHIEF JUSTICE  
HON'BLE MISS JUSTICE SAVITRI RATHO

Order No.

ORDER  
05.10.2024

I.A. No.1202 of 2023

01. This matter is taken up through Hybrid mode.
2. Issue notice to respondent No.1 on the question of limitation by Registered/Speed Post with A.D., making it returnable within four weeks, requisites for which shall be filed within a week.
3. List this matter on 25.11.2024.

  
(Chakradhari Sharan Singh)  
Chief Justice

  
(Savitri Ratho)  
Judge

S. Behera



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No. 482 of 2023**

***State of Odisha and others*** ..... ***Appellants***

Ms. Aishwarya Dash, Addl. Standing Counsel

***-versus-***

***Maheswar Barik and another*** ..... ***Respondents***

Mr. P.K. Mohapatra, Advocate for Respondent No.1

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**25.11.2024**

**Order No.**

02.

**I.A. No.1202 of 2023**

This matter is taken up through Hybrid mode.

2. This application has been filed by the applicants/appellants seeking condonation of delay of 76 days in filing the writ appeal.

3. Considering the period of delay, the reasons stated in this application and in the interest of justice, we are inclined to condone the aforesaid delay in filing the writ appeal.

4. Hence, the delay of 76 days in filing the writ appeal stands condoned. This application is accordingly allowed and disposed of.


**W.A. No.482 of 2023**

5. Ms. Aishwarya Dash, learned Additional Standing Counsel (ASC) appearing on behalf of the State-appellants undertakes to



serve a copy of the memorandum of appeal on Mr. P.K. Mohapatra, learned counsel appearing on behalf of respondent No.1 in course of the day.

6. List this matter on 02.12.2024 for fresh admission.

  
(Chakradhari Sharan Singh)  
Chief Justice

  
(Savitri Ratho)  
Judge

S. Behera/A Nanda



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 482 of 2023

*State of Odisha and others*

....

*Appellants*

Ms. A. Dash, Addl. Standing Counsel

-versus-

*Maheswar Barik and Another*

....

*Respondents*

Mr. P.K. Mohapatra, Advocate

assisted by Mr. S.K. Nayak, Advocate

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**02.12.2024**

**Order No.**

03. This matter is taken up through Hybrid mode.

2. List this matter on 10.12.2024 along with the connected case listed today.

**(Chakradhari Sharan Singh)**

**Chief Justice**

**(Savitri Ratho)**

**Judge**

SK Jena/Secy.

# IN THE HIGH COURT OF ORISSA

Case No. WA- 482 /23

## OFFICE NOTES

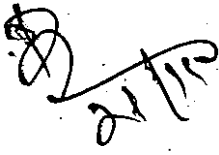
Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>(P) I.A. No. 1202/23 of Pt. A for condonation of delay</p> <p>For orders</p> <p>Along with WP(C) - 30509/22</p> <p><u>Subhree Laxmi Mohanty</u></p> <p>D.O.</p> <p>7/4/23</p> <p><u>Swagatika Subudhi</u></p> <p>22.08.24</p> <p><u>Order No. i-01</u></p> <p>Memo - 20070</p> <p>Date - 22.10.2024</p> <p>Notice on limitation matter issued to R-1 by RP with AD fixing on 20.11.24 for appearance &amp; show cause.</p> <p><u>S. Subudhi</u></p> <p>22.10.24</p>

Supdt 2024

# IN THE HIGH COURT OF ORISSA

Case No. WA-482/23

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	05.10.24	<p>M/s. Priafulla Kumar Mohapatra &amp; S.C. Sahoo entered appearance on behalf of R-1.</p> <p><u>S. Subudhi</u> 21.11.24</p> <p>1) I.A. No. 1-1202/23 is at Flag 'A' for further orders regarding condonation of delay.</p> <p><u>For Orders</u></p> <p>Along with WPC-30509/22 (Disp. of case).</p> <p><u>Adjn. to: 25.11.24</u></p> <p>Swagatika Subudhi 21.11.24</p> <p>D.B.</p> <p> 21/11</p> <p>Receipt showing service of copy of the appeal memo along with its annexure &amp; all I.A.s on <del>the</del> learned counsel for the respondent is received.</p>

S. Subudhi  
29.11.24

# IN THE HIGH COURT OF ORISSA

Case No. WA- 482/23

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
02.	25.11.24	<p>For Fresh Admission</p> <p>i) I.A. No. i- 1203/23 is at Flag 'B' for stay.</p> <p>Along with wpc- 30509/22 (Disp. of case)</p> <p><u>Adin. to i- 02.12.24</u></p> <p>Swagatika Subudhi 29.11.24</p> <p><i>[Signature]</i> 29/11</p>
03.	02.12.24	<p>For Fresh Admission</p> <p>i) I.A. No. i- 1203/23 is at Flag 'B' for stay.</p> <p>Along with wpc- 30509/22 (Disp. of case)</p> <p>Swagatika Subudhi 07.12.24</p> <p><i>[Signature]</i> 27/12/24</p> <p><u>Ref. WA- 614/23</u></p>





**ORISSA HIGH COURT**  
**FILING ACKNOWLEDGEMENT SLIP**

CNR

Filing No

Date and Time

Misc Case/IA

Petitioner Name

Petitioner Advocate Name

Respondents Name

Respondents Advocate

Amount

Police Station

FIR

**ODHC010185272023**

**WA/0000482/2023**

**10/03/2023-16:20:18**

**1202/2023, 1203/2023**

**STATE OF ODISHA**

**ARNAB BEHERA, A.S.C.**

**MAHESWAR BARIK**



Friday 10th of March 2023 05:14:40 PM

---

# STAMP REPORT

CASE NO.....W.A. 482/23

## LIMITATION

Date of Judgement Awards 24-11-22  
Date of Valid Presentation 10.3.23  
Total Period Occupied 106 day 8  
Limitation 30 day 6  
Certified Copy Period day  
Delay in filing 76 day 8

1. In time .....NO.....Expired on 24-12-22
2. Period of delay 76 days delay, 9 A. for condonation of delay filed.
3. Court Fee of 181/- paid.
4. Authentication fee due on the  
(a) Copy of Trial Court Judgement  
Rs.....p..... Decree Rs.....p.....  
(b) Appellate Court Judgement Rs....3/-, paid.  
Decree Rs.....p.....
5. (a) Copy of Trial Court Judgement/Order  
(b) Appellate Court/Revisional Order  
Judgement ~~yes~~ copy of a. copy of impugned order filed.  
(c) Second Copy Petition filed.  
(d) Receipt showing copy on A.G.O  
(e) Vakalatnama properly stamped,  
Executed and accepted memo of appearance filed.
6. (a) Cause Title in order  
(b) Provision of Law furnished.
7. Code indicated.
8. Single Judge/Division Bench Case ✓ D.B.
9. Other Defects X

STAMP REPORTER

BHUPENDRA SANGI

107

1. RFA/RSa/FAO/SAO/LPA/SPA/CRP/Review pet/O. Ref/EXFA/EXSA/SM/APP Tr. P(c) WP (c)/WA/SCLP/Co. Appl/Co. Pet/Co. Case/Co. App/Bkg. P/Mat. A/Mat Ref/RP (FAMCT) Test Case / Intest. Case/L.A. Ref/RGFA/L.A.A/RCSA/RE Rev/MAC/MAC APP/EL Pet/ ELAPP/Arb, P/Arb. A/Arb. A/Insurance Ref/Cont. Cas(c)/Coud. App (c) / MFA(name of the Act)/MSA/SP. JC (name of the Act) Cri A/Cri. Rev/Ckl. M. C/ BLAPI/Cal. MAPPI/WP (cl) CUSREF STREV.

Case Type N/A No 482 / 2023 Date of Regn. 10/3/23

2. If 'State' is Party, Name of the Dept: (Pet/Res) [Put

Mark]

R & Dm

If Public Undertakings (Specify name): (Pet/Res) [Put

Mark]

3. (a) Number of Category under which the matter falls:

3 1

1 9

0 0

If Others, Specify the subject

(b) Which is applicable? [Put

Mark]

(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) [Put

Mark]

5. Section/Sub-Section Involved

Article 4 of 2015th High

6. Rules Involved

Civil code 1948

7. Whether any other matter is pending in this Court on the same point of law:

If so, give the number of matter:

8. Whether any other matter is pending against the impugned order/Judgement?

If so give the number of matter:

No

9. Whether the matter is covered by any judgement of. the Supreme Court this Court or any other High Court, If so give the details of the judgement

NA

10. Point of law involved in the matter

Challenging the order passed by the Single Bench

Date 10/3/23

Alina Baker  
Signature of the Advocate

## High Court of Orissa Acknowledgement



CNR : ODHC010185272023  
Efiling No : AOR20220001513C202300166  
Filing No. : WA/482/2023 Date of Filing : 10-03-2023  
Petitioner : STATE OF ODISHA Time of Filing : 15:50:30  
Petitioners : ARNAB BEHERA, A.S.C. Respondent : MAHESWAR  
Advocate : BARIK  
Amount : 0.00



[Print](#)

IN THE HIGH COURT OF ORISSA: CUTTACK

W.A. NO. 482 OF 2023

( Arising out of W.P.(C) No.30509 of 2022,  
Disposed of on 24.11.2022)

CODE NO. 31190

State of Odisha Revenue & Disaster Management Department,  
Odisha and others.

... Appellants

-VERSUS-

Maheswar Barik

... Respondent.

I N D E X

SI.NO.	DETAILS OF DOCUMENTS	PAGES
1	SYNOPSIS	A - D
2	List of dates & events	E
3	WRIT APPEAL	01 - 11
4	<u>ANNEXURE-1</u> Certified Copy of order dtd. 24.11.2022.	12 - 16
5	<u>ANNEXURE-2</u> Copy of Finance Deptt. Resolution No. 22764/F dtd. 15.05.1997	17 - 18
6	<u>ANNEXURE-3</u> Copy of the notification dated 12.12.1997.	19
7	<u>ANNEXURE-4</u> Copy of W.P.(C) No.30509/ 2022 with annexures	20 - 46
8	V A K A L A T N A M A	

CUTTACK.

Dt. 10/3/23

*Arna Behera*  
ADDL. STANDING COUNSEL

ARNAB BEHERA

EN NO-O-3903/2017

MOB - 8903/2017

'MOB - 8800927167

# A

## SYNOPSIS

1. That the Appellants have preferred the present writ appeal challenging the order dated 24.11.2022 passed by the Ld. Single Judge of this Hon'ble Court in W.P.(C) No.30509 of 2022 whereby this Hon'ble Court has directed the Appellants to take into account the period served by the Respondent in service under the Job Contract Establishment as qualifying service for pension and other pensionary benefits, in violation of Rule 18(6) of the Odisha Civil Service (Pension) Rules, 1992 (hereinafter referred to as "**OCS Pension Rules, 1992**").

2. That it is pertinent to state herein that Rule 47(5)(i) of the OCS Pension Rules, 1992 provides that a government servant shall not be entitled to pension if he has not completed minimum of ten years of qualifying service. The said provision reads as follows:

*(5) (i) In the case of a Government Servant retiring in accordance with the provisions of these rules **before completion of the minimum qualifying service of ten years shall not be entitled for pension**, but he shall be entitled to service gratuity to be paid at a uniform rate of half month's emoluments for every completed six monthly period of service."*

(emphasis supplied)

3. That further, Rule 47(2)(b) prescribes a minimum pension for government servants who have completed minimum ten years of qualifying service. The said provision has also been reproduced hereunder for kind convenience of this Hon'ble Court:

*"(b) In case of a Government Servant retiring before completion of twenty five years of qualifying service, but after **completion of ten years of service**, the amount of pension shall*

## B

*be proportionate to the amount of pension admissible under clause(a) of sub-rule (2) and in no case the amount of pension shall be less than the minimum amount of pension of Rs.3500/- or as shall be fixed by Government from time to time and maximum up to 50% of the highest Pay and Grade Pay admissible to the Government employee w.e.f. dtd.01.12.2008."*  
(emphasis supplied)

4. That Rule 18(6) of the OCS Pension Rules, 1992, which was inserted through an amendment vide notification No. 45865/F dated 01.09.2001 reads as under:

*"(6) Notwithstanding anything contained in clause (i) & (iii) of sub-rule (2), a person who is initially appointed in a job contract establishment and is subsequently brought over to the post created under regular / pensionable establishment, so much of his job contract service period shall be added to the period of his qualifying service in regular establishment and would render him eligible for pensionary benefits."*

5. That Rule 18(6) as quoted in the above paragraph only provides for counting of so much of the job contract service period so as to render the government servant eligible for pension, i.e., minimum pension as prescribed under Rule 47 of the OCS Pension Rules. Rule 18(6) does not envisage that the entire job contract service period shall be taken into account for calculating the pensionary

6. That Rule 18(6) was inserted as a beneficial provision for employees on Job Contract Basis since under the Rule 3(1)(e) of the OCS Pension Rules, 1992, the provisions of the Rules are not applicable in respect of contractual employees.

7. That however, by way of the impugned order, the Ld. Single Judge has relied upon a decision of the Tribunal in OA No. 3020 of 2003 being Nityananda Biswal v. State of Orissa &Ors. to direct that the entire period of service of the Respondent in the Job Contract establishment be counted as qualifying service for the purpose of pension. Albeit the order passed in Nityananda Biwal was confirmed by this Hon'ble Court in W.P.(C) No. 14244 of 2006, and by the Hon'ble Apex Court in SLP(C) No. 12573 of 2015, however, it is pertinent to state herein that the said order was passed in the context of an employee governed under the erstwhile Odisha Civil Service (Pension) Rules, 1977. Specifically, the Ld. Tribunal relied upon Rule 23(3) of the 1977 Rules provided as under:

*"(3) Notwithstanding anything contained in sub-rule (1) Government may be general or special order prescribe any class of service or post which were previously borne under work-charged establishment or paid from contingencies to be pensionable."*

8. That however, the Odisha Civil Service (Pension) Rules, 1977, which did not have any specific provision pertaining to Job Contract employees was repealed by the Odisha Civil Service (Pension) Rules, 1992 under which a specific provision has been introduced dealing with Job Contract employees. In the circumstances, the impugned order of the Ld. Single Judge, placing reliance on the case of Nityananda Biswal, is bad in law, being de hors Rule 18(6) of the OCS Pension Rules, 1992.



## D

9. That pertinently, other single Judge Benches of this Hon'ble Court in WPC (OAC) No. 2276 of 2012 being **Judhistir Padhy vs. State of Odisha & Ors.** and in WPC (OAC) No. 2622 of 2015 being **Pitambar Hota vs. State of Odisha & Ors.** have held that Job Contract employees are not entitled to have their entire service period in the job contract establishment to be counted as qualifying service for the purpose of pension in light of Rules 18(6) of the OCS Pension Rules, 1992.

In **Judhistir Padhy** (supra), the Ld. Single Judge of this Hon'ble Court has held as follows:

*"14. To sum up, it is stated at the cost of repetition that what the Division Bench of this Court in OJC No. 2147 of 1991 had held way back on 24.03.1992 was crystallized as sub-rule (6) of Rule-18 on and from 01.09.2001. This Court therefore, is of the humble view that the judgments passed by this court in W.P.(C) No. 14244 of 2006, WPC(OAC) No. 3443 of 2019, WPC (OAC) No. 1567 of 2007 and WPC(OAC) No. 307 of 2009, relied upon by the petitioner, cannot be applied to the case at hand as the same were passed referring to the orders of the Tribunal passed in TA 11 of 1993 and OA 3020 (c) of 2003 as confirmed by the Apex Court but not with reference to sub-rule (6) of Rule 18 of the 1992 Rules, which squarely applies to the facts of the present case.*

*It is thus seen that as per the sub-rule (6) of Rule 18 only so much of the job contract service period shall be added to the period of qualifying service in regular establishment as would render the employee eligible for pension. Resultantly, the claim of the petitioner for counting the entire period of service in the job contract establishment towards pension and pensionary benefits, strictly speaking, has no legs to stand having regard to the provision under sub-rule (6) of Rule-18 of the 1992 Rules."*

(emphasis supplied)

10. Hence, the present Writ Appeal.

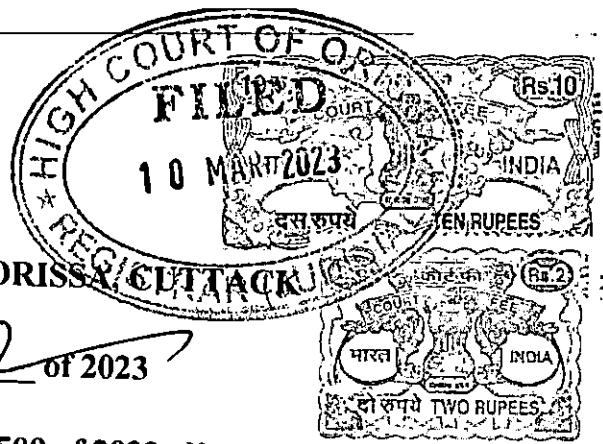
*Arina Behers*  
ADDL. STANDING COUNSEL

B - E -

LIST OF DATES AND EVENTS

- 13.01.1979 Respondent joined as a job contract Amin under the Deputy Director of Consolidation, Balasore.
- 16.08.2007 Respondent was brought over to the regular establishment as Asst. Revenue Inspector by the Collector, Mayurbhanj and posted at Rasagivindapur Tahasil.
- 31.01.2013 Respondent retired from service.
- 2022 Respondent filed W.P.(C) No.30509 of 2022.
- 24.11.2022 W.P.(C) No.30509 of 2022 was disposed of by the Hon'ble Single Judge, directing the appellants to grant similar benefits to the respondent as has been done in O.A No.3020(C)/2003 (Nityananda Biswal Vs. State of Orissa and others).

*Arna Behera*  
ADDL. STANDING COUNSEL  
ARNAB BEHERA  
ENNO-0-903/2017  
MOB - 8800927167



# IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 482 of 2023

(Arising out of W.P.(C) No. 30509 of 2022, disposed of on 24.11.2022)

Code No.  
311900

In the matter of:

An Appeal under Article-4 of the Orissa High Court Order, 1948 read with Clause-10 of the Letters Patent constituting the High Court of Judicature at Patna and Rule-6 of Chapter-III of the Rules of the High Court of Orissa, 1948.

AND

In the matter of:

Presented on. 10/3/2023  
*[Signature]*  
Registrar (Judicial)

An application challenging the order dated 24.11.2022 passed by the Ld. Single Judge in W.P.(C) No.30509 of 2022.

AND

In the matter of:

1. State of Odisha, represented through its Secretary, Govt. of Odisha, Revenue and Disaster Management, Lok Seva Bhawan, Bhubaneswar, Khordha.
2. Director of Land Records, Surveys and Consolidation, Odisha, Board of Revenue, Cuttack, At/Po/Dist-Cuttack
3. Collector and District Magistrate, Mayurbhanj, At/P.O.- Baripada, Dist-Mayurbhanj
4. Dy. Director of Consolidation, Balasore, At/P.O/Dist-Balasore

*[Signature]*

*[Handwritten signature/initials]*

5. Tahasildar, Morada, At/P.O.-Morada, Dist-  
Mayurbhanj

6. Secretary to Govt. Of Odisha, Finance Department,  
Lok Seva Bhawan, Bhubaneswar, Khordha.

*(Opp-Party No-1 to 6 in the writ petition)*  
Appellants  
(Opp. Parties in the writ petition)

-Versus-

1. Maheswar Barik, aged about 68 years, Son of Late  
Lalit Mohan Barik, at Kusuti, P.O.- Madhupur, Via. -  
Karmarda, Dist- Balasore, Retd. Asst. Revenue  
Inspector, Morada Tahasil, At/P.O-Morada, Dist-  
Mayurbhanj.

*(Petitioner in the writ petition)*  
Respondent

2. Accountant General (A&E), Odisha, Bhubaneswar,  
Dist.- Khurda.

.... Proforma Respondent  
*(Opp-Party No-7 in the writ petition)*

The matter out of which this writ application arises was  
before this Hon'ble Court in W.P.(C) No.30509/2022 since disposed  
of on 24.11.2022.

To,

Hon'ble The Chief Justice and His Lordship's  
Companion Justices of the Hon'ble Court.

The humble petition of the  
above named Appellants.

**MOST RESPECTFULLY SHEWETH:-**

1. That the Appellants have preferred the present writ  
appeal challenging the order dated 24.11.2022 passed by the Ld.  
Single Judge of this Hon'ble Court in W.P.(C) No.30509 of 2022  
whereby this Hon'ble Court has directed the Appellants to take into  
account the period served by the Respondent in service under the Job

*AB*

*Handwritten signature/initials on the right margin.*

Contract Establishment as qualifying service for pension and other pensionary benefits, in violation of Rule 18(6) of the Odisha Civil Service (Pension) Rules, 1992 (hereinafter referred to as "OCS Pension Rules, 1992").

A copy of the impugned order dated 24.11.2022 passed by the Ld. Single Judge in W.P.(C) No. 30509 of 2022 is annexed herewith and marked as Annexure-1.

2. That it is pertinent to state herein that Rule 47(5)(i) of the OCS Pension Rules, 1992 provides that a government servant shall not be entitled to pension if he has not completed minimum of ten years of qualifying service. The said provision reads as follows:

*(5) (i) In the case of a Government Servant retiring in accordance with the provisions of these rules **before completion of the minimum qualifying service of ten years shall not be entitled for pension**, but he shall be entitled to service gratuity to be paid at a uniform rate of half month's emoluments for every completed six monthly period of service."*

(emphasis supplied)

3. That further, Rule 47(2)(b) prescribes a minimum pension for government servants who have completed minimum ten years of qualifying service. The said provision has also been reproduced hereunder for kind convenience of this Hon'ble Court:

*"(b) In case of a Government Servant retiring before completion of twenty five years of qualifying service, but after **completion of ten years of service**, the amount of pension shall be proportionate to the amount of pension admissible under clause(a) of sub-rule (2) and in **no case the amount of pension shall be less than the minimum amount of pension of Rs.3500/-** or as shall be fixed by Government from time to time and maximum up to 50% of the highest Pay and Grade Pay admissible to the Government employee w.e.f. dtd.01.12.2008."*

(emphasis supplied)

Ch. 24.11.2022

Az

4. That Rule 18(6) of the OCS Pension Rules, 1992, which was inserted through an amendment vide notification No. 45865/F dated 01.09.2001 reads as under:

*"(6) Notwithstanding anything contained in clause (i) & (iii) of sub-rule (2), a person who is initially appointed in a job contract establishment and is subsequently brought over to the post created under regular / pensionable establishment, so much of his job contract service period shall be added to the period of his qualifying service in regular establishment and would render him eligible for pensionary benefits."*

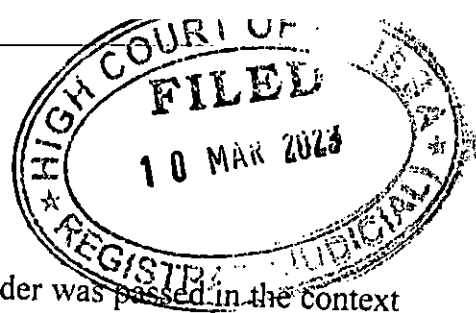
5. That Rule 18(6) as quoted in the above paragraph only provides for counting of so much of the job contract service period so as to render the government servant eligible for pension, i.e., minimum pension as prescribed under Rule 47 of the OCS Pension Rules. Rule 18(6) does not envisage that the entire job contract service period shall be taken into account for calculating the pensionary

6. That Rule 18(6) was inserted as a beneficial provision for employees on Job Contract Basis since under the Rule 3(1)(e) of the OCS Pension Rules, 1992, the provisions of the Rules are not applicable in respect of contractual employees.

7. That however, by way of the impugned order, the Ld. Single Judge has relied upon a decision of the Tribunal in OA No. 3020 of 2003 being Nityananda Biswal v. State of Orissa & Ors. to direct that the entire period of service of the Respondent in the Job Contract establishment be counted as qualifying service for the purpose of pension. Albeit the order passed in Nityananda Biwal was confirmed by this Hon'ble Court in W.P.(C) No. 14244 of 2006, and by the Hon'ble Apex Court in SLP(C) No. 12573 of 2015, however, it

*By order of the Bench*

*Ar*



is pertinent to state herein that the said order was passed in the context of an employee governed under the erstwhile Odisha Civil Service (Pension) Rules, 1977. Specifically, the Ld. Tribunal relied upon Rule 23(3) of the 1977 Rules provided as under:

*"(3) Notwithstanding anything contained in sub-rule (1) Government may by general or special order prescribe any class of service or post which were previously borne under work-charged establishment or paid from contingencies to be pensionable."*

8. That however, the Odisha Civil Service (Pension) Rules, 1977, which did not have any specific provision pertaining to Job Contract employees was repealed by the Odisha Civil Service (Pension) Rules, 1992 under which a specific provision has been introduced dealing with Job Contract employees. In the circumstances, the impugned order of the Ld. Single Judge, placing reliance on the case of Nityananda Biswal, is bad in law, being de hors Rule 18(6) of the OCS Pension Rules, 1992.

9. That pertinently, other single Judge Benches of this Hon'ble Court in WPC (OAC) No. 2276 of 2012 being **Judhistir Padhy v. State of Odisha & Ors.** and in WPC (OAC) No. 2622 of 2015 being **Pitambar Hota v. State of Odisha & Ors.** have held that Job Contract employees are not entitled to have their entire service period in the job contract establishment to be counted as qualifying service for the purpose of pension in light of Rules 18(6) of the OCS Pension Rules, 1992.

*Az*  
In **Judhistir Padhy** (supra), the Ld. Single Judge of this Hon'ble Court has held as follows:

*"14. To sum up, it is stated at the cost of repetition that what the Division Bench of this Court in OJC No. 2147 of 1991 had*

held way back on 24.03.1992 was crystallized as sub-rule (6) of Rule-18 on and from 01.09.2001. This Court therefore, is of the humble view that the judgments passed by this court in W.P.(C) No. 14244 of 2006, WPC(OAC) No. 3443 of 2019, WPC (OAC) No. 1567 of 2007 and WPC(OAC) No. 307 of 2009, relied upon by the petitioner, cannot be applied to the case at hand as the same were passed referring to the orders of the Tribunal passed in TA 11 of 1993 and OA 3020 (c) of 2003 as confirmed by the Apex Court but not with reference to sub-rule (6) of Rule 18 of the 1992 Rules, which squarely applies to the facts of the present case.

*It is thus seen that as per the sub-rule (6) of Rule 18 only so much of the job contract service period shall be added to the period of qualifying service in regular establishment as would render the employee eligible for pension. Resultantly, the claim of the petitioner for counting the entire period of service in the job contract establishment towards pension and pensionary benefits, strictly speaking, has no legs to stand having regard to the provision under sub-rule (6) of Rule-18 of the 1992 Rules."*

(emphasis supplied)

10. That the case of the present Respondent is that he entered in to service on 13.01.1979 as an Amin on Job Contract basis under Dy. Director of Consolidation, Balasore. On 15.05.1997, the State Government framed a policy for regularization of NMR/ DLR/ Job Contract employees who were appointed before 12.04.1993. Regularisation of such employees were to be made subject to availability of regular vacancies. In accordance with the said policy, the Respondent, while continuing under Dy. Director of Consolidation, Balasore, was absorbed in the regular post of Asst. Revenue Inspector by the Collector, Mayurbhanj and posted at Rasagovindapur Tahasil. He was relieved from consolidation office and joined the regular post on 16.08.2007.

*upheld by Hon'ble*

*As*



A copy of the Finance Department Resolution No. 227 64/F dated 15.05.1997 is annexed herewith and marked as **Annexure-2.**

11. That on 12.12.1997, the Finance Department issued an Office Memorandum dated 12.12.1997 wherein it was stated that so much of the period of job contract service shall be counted as qualifying service in order to make them eligible for pension.

A copy of the Finance Department Office Memorandum dated 12.12.1997 is annexed herewith and marked as **Annexure-3.**

12. That thereafter, vide Notification No. 45865/F dated 01.09.2001, Rule 18(6) of the OCS Pension Rules, 1992 was introduced by the State Government.

13. That the retired from service on 31.01.2013 and has been granted minimum pension.

The Respondent after retirement has been granted minimum pension only on the basis of regular period of service and so much of the Job Contract period of service in order to render him eligible for minimum pension.

14. That the Respondent preferred a writ petition being W.P.(C) No. 30509 of 2022 seeking counting of his entire job contract service period for the purpose of qualifying service as pension de hors Rule 18(6) of the OCS Pension Rules, 1992.

*Ar* A copy of the writ petition being W.P.(C) No. 30509 of 2022 along with annexures is annexed herewith and marked as **Annexure-4.**

*Done by [Signature]*

15. That however, by way of the impugned order of the Ld. Single Judge, the Appellants have been directed to count the entire job contract service period for the purpose of qualifying service as pension de hors Rule 18(6) of the OCS Pension Rules, 1992. Being aggrieved by the order dated 24.11.2022 passed in W.P.(C) No. 30509 of 2022, the Appellants have preferred the present writ appeal on the following grounds:

**GROUND**

- A. For that the impugned judgment/order dtd.24.11.2022 passed by the Hon'ble Single Judge is illegal, contrary to law and against the weight of evidence on record and as such the same is liable to be set aside.
- B. For that it has been held in various recent judgements of this Hon'ble Court that in order to calculate the pensionary benefit of employees who initially served in a job contract establishment and were thereafter regularized, the job contract service period shall be added to the period of service in regular establishment, only to the extent which render the employees eligible for minimum pensionary benefits.
- C. For that per Rule 18(6) of the Odisha Civil Services (Pension) Rules, 1992, inserted vide notification no. 45865/F dated 01.09.2001, a person who is initially appointed in a job contract establishment and is subsequently brought over to the post created under regular / pensionable establishment, only so much of his job contract service period shall be added to the period of his qualifying service in regular establishment which would render him eligible for pensionary benefits.

*Handwritten notes on the right margin:*  
- 24.11.2022  
- 30509  
- 2022  
- 24.11.2022  
- 30509  
- 2022

*Handwritten mark:* 42

D. For that the Petitioner's reliance upon the judgement dated 24.03.1992 of this Hon'ble Court in O.J.C. No. 2147 of 1991 is misplaced. A reading of the said decision reveals that the petitioner-Union had moved this Court seeking regularization of services of its members, who were job contract workers employed in connection with Survey and Settlement work. While allowing the prayer for regularization, the Division Bench held as follows in respect of their pensionary benefits:

*"This apart, for the purpose of calculating the pensionary benefit, so much of their earlier service period shall be reckoned, even if there had been breaks in their employment, so as to make them eligible for pension."*

E. For that the Petitioner's reliance upon the judgement dated 21.10.1994 of the Odisha Administrative Tribunal in T.A. No. 11 of 1993 is misplaced. The said judgement referred to Rule 23 of the Orissa Pension Rules, 1977, and held that there is no mention therein about a job contract employee being subsequently brought to the regular establishment. It was further held that if an incumbent is appointed in the job contract establishment and retired from service as such, he being paid from contingencies, the period of such service shall not qualify for pension. As such, the learned Tribunal held that for those job contract employees who have been brought over to the regular establishment, the pension rules do not prohibit counting of past services rendered in the job contract establishment. Thereafter relying upon Rule 23(3) of the Orissa Pension Rules, 1977, the learned Tribunal held that there is ample power of the Government notwithstanding the restrictions made in Rule 23(1) of the Orissa Pension Rules, 1977 to order the periods rendered under the work charged establishment or the periods in which an employee is paid

Ar

Dr. N. K. Mishra  
12/11/2011

from the contingencies, from being counted towards pension and pensionary benefits. Learned Tribunal though referred to the decision of this Court in OJC No. 2147 of 1991, yet directed the authorities to count the past services rendered by the petitioner in job contract establishment towards pension and pensionary benefits. However, the said Orissa Pension Rules, 1977 have already been repealed upon coming into force of the Odisha Civil Services (Pension) Rules, 1992 w.e.f. 01.04.1992. The applicant in TA No. 11 of 1993 was an employee who retired from government service on 31.08.1988 that is, prior to coming into force of the Odisha Civil Services (Pension) Rules, 1992 and therefore his claim for pension was governed under the Orissa Pension Rules, 1977.

E. For that the Petitioner's reliance upon the order dated 04.01.2004 of the Odisha Administrative Tribunal in O.A. No. 3020(C) is misplaced. The said order relying upon T.A. No. 11 of 1993 held that the period of engagement in the job contract establishment should be taken into account as qualifying service. It is not forthcoming from the order passed therein as to when the concerned employee had retired. Nevertheless, the Tribunal passed the order entirely relying upon the order passed in TA No. 11 of 1993.

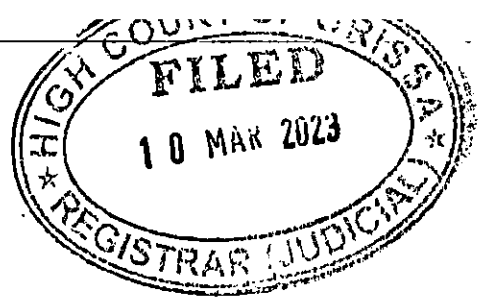
E. For that the Petitioner retired from service on 31.01.2013 and therefore, Odisha Civil Services (Pension) Rules, 1992 will be applicable.

E. For that it is the settled position of law that no direction can be issued by the Court to the authority, to do something contrary to law.

F. For that the impugned order of the Hon'ble Single Judge dated 24.11.2022 in W.P.(C) No. 30509/2022 is otherwise illegal, bad in law and liable to be set aside.

*Impugned by Bench*

*As*



### PRAYER

The Appellants, therefore, most humbly pray that this Hon'ble Court may be graciously pleased to admit the appeal, call for the Writ Petition records and after hearing the parties be pleased to set aside the order dated 24.11.2022 passed by the Hon'ble Single Judge in in W.P.(C) No. 30509/2022.

And further be pleased to pass such other order/orders as the Hon'ble Court deem fit and proper in the facts and circumstances of the case;

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

Cuttack  
through

By the Appellants

Date : 10/3/23

*Arna Behara*  
Addl. Standing Counsel

### CERTIFICATE

Certified that the grounds set forth above are good grounds for this appeal and I undertake to support the same at the time of hearing.

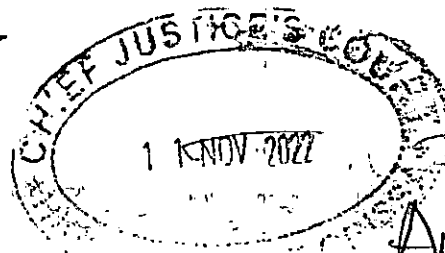
Further certified that cartridge papers are not available.

Cuttack

Date: 10/3/23

*Arna Behara*  
Addl. Standing Counsel  
ARNAB BEHERA  
ENN0303903/2017  
MOB - 8800927167

*Prishu Chandra*

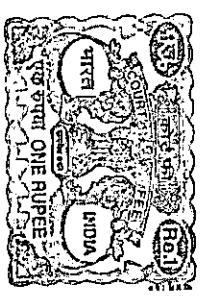


IN THE HIGH COURT OF ORISSA; C U T T A C K

ANNEXURE 1  
52864

W.P.(c) No. 20509 /2022  
(Code No. 3/19w)

In the matter of:



An application under Article 226 and 227 of the Constitution of India;

AND

In the matter of:

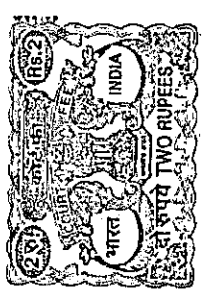
An application challenging the action/inaction on the part of the opp. parties in not allowing pension and pensionary benefits by counting his entire past services rendered under J.C. estt. and regular estt. despite the principles decided in O.A.No. 3020© /2003, which has been affirmed in W.P.(c) No. 14244/2006 and in S.L.P.No.12573/2015 as well as the benefits given to similarly situated persons.;

**Presented in Court**

*[Signature]*  
11/11/22 B.O.

AND

In the matter of:

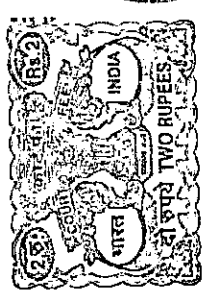


Maheswar Barik, aged about 68 years, S/o. Late Lalit Mohan Barik, At:-Kusuti, P.O.-Madhupur, Via.-Kamarda, Dist-Balasore, Retd.Asst. Revenue Inspector, Morada Tahasil , At/P.O-Morada, Dist.- Mayurbhanj.

.....Petitioner .

Versus

1. State of Odisha represented through its Secretary,  
Govt. of Odisha, Revenue and Disaster Management  
Department, Lok Seva Bhawan, Bhubaneswar, Khordha.

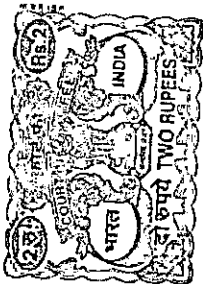


11/11/22

*[Signature]*

2. Director of Land Records, Surveys and Consolidation,  
Odisha, Board of Revenue, Cuttack, At/Po/Dist-Cuttack.
3. Collector and District Magistrate, Mayurbhanj,  
At/P.O.-Baripada, Dist- Mayurbhanj .
4. Dy. Director of Consolidation, Balasore,  
At/P.O/Dist-Balasore .
5. Tahasildar, Morada,  
At/P.O.-Morada, Dist- Mayurbhanj.
6. Secretary to Govt. of Odisha, Finance Department,  
Lok Seva Bhawan, Bhubaneswar, Khordha.
7. Accountant General (A & E), Odisha, Bhubaneswar,  
At/P.O.- Bhubaneswar, Dist. Khordha.

.....Opp. parties.



*[Handwritten signature]*

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30509 of 2022

*Maheswar Barik*

*Petitioner*

*Mr. P.K. Mohapatra, Advocate*

*-versus-*

*State of Odisha and others*

*..... Opposite Parties*

*Mr. A. Behera, A.S.C.*

*Mr. S.K. Patra,*

*Standing Counsel for Accountant General.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**24.11.2022**

**Order No.**

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

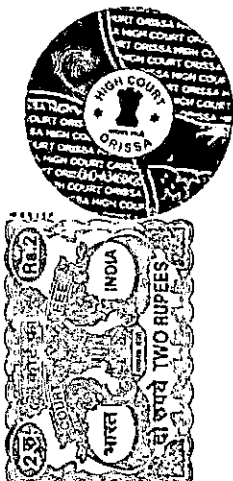
2. Mr. S.K. Patra, learned Standing Counsel, who usually appears for the Accountant General, Odisha, submits that Accountant General, Odisha is not a necessary party at this stage of the proceeding. Therefore, the name of Opposite Party No.7- Accountant General, Odisha be deleted from the cause title of the writ petition.

In view of such submission, office is directed to delete the name of Opposite Party No.7 from the cause title of the writ petition.

3. Heard learned counsel for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Parties.

4. The Petitioner has filed this writ petition seeking direction to the Opposite Parties to count his past service rendered in the Job-

*[Signature]*

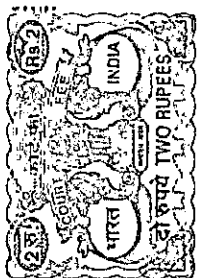




Contract Establishment for the purpose of pension and pensionary benefit within a stipulated period.

5. Learned counsel for the Petitioner contended that similar matter has come up before this Court in O.J.C. No. 2405 of 1985 and after constitution of the Odisha Administrative Tribunal, the same was transferred to the Tribunal and registered as T.A. No. 11 of 1993. The said case was disposed of on 21.10.1994 by the learned Tribunal by following the decisions of the Apex Court and by giving direction to the competent authority to count the past service rendered by the petitioner in Job Contract Establishment towards pension and pensionary benefit and after such orders were passed, pension of the Petitioner was directed to be calculated, drawn and disbursed in his favour within two months from the date of receipt of the copy of the judgment. The order passed in T.A. No. 11 of 1993 was challenged before the Apex Court by the State, which was dismissed vide order dated 17.07.1995.

6. It is further contended that similar matter has also come up before this Court in O.J.C. No. 2147 of 1991, which was decided on 24.03.1992 and this Court has considered the case of Job Contract employees for regularization of service and for pension and pensionary benefits. In O.A. No. 3020 (C) of 2003 (*Nityananda Biswal v. State of Orissa and others*), the Tribunal vide order dated 04.01.2004 also directed that the period of the engagement of the Petitioner in job contract establishment should be taken into account as qualifying service and accordingly his pension and other pensionary benefits be revised and paid to the Petitioner therein. The order passed in O.A. No. 3020 (C) of 2003 was also challenged by the State before this Court in W.P.(C) No. 14244 of 2006. This



2

Court vide order dated 09.04.2014 dismissed the writ application preferred by the state against the order passed by the Tribunal. The state also preferred Special Leave to Appeal (C) No. 12573 of 2015 against the order passed by this Court in W.P.(C) No. 14244 of 2006, which was dismissed by the apex Court vide order dated 13.07.2015.

7. Learned counsel for the State, on the other hand, draws attention of this Court's judgment dated 19<sup>th</sup> April, 2022 passed in WPC(OAC) No.2276 of 2012 in the case of *Judhisir Padhy vrs. State of Odisha and others*, which was delivered by a single Bench of this Court. On such grounds, learned counsel for the State submits that the relief sought for by the petitioner is not maintainable and is not entitled to pensionary benefits as has been claimed by him. Therefore, prays for rejection of the writ petition at the threshold in view of the judgment of the single Bench passed in the case of *Judhisir Padhy vrs. State of Odisha and others* (supra).

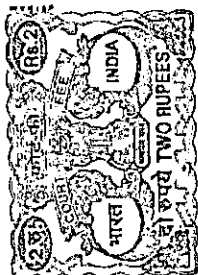
8. In view of the above settled position of law, nothing remains to be reconsidered by this Court. Accordingly the Opposite Parties are directed to extend all such benefits in favour of the Petitioner in terms of the directions given by the Courts as mentioned above, as expeditiously as possible, preferably within a period of three months from the date of communication of the certified copy of the order.

9. With the above observation/direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

sd/- A.K. Mohapatra, J.

Comp by  
Sangh  
15.12.22



16A7

Date of Application : 25.11  
 Date of Notification :- 18.12  
 Date of Supply :- 16.12  
 Date of Ready :- 16.12  
 Date of Delivery :- 2022

C.A. No- 106468 / 2022		
MEMO OF COSTS		
	Rs.	P.
Application Fee.....	0	50
Searching Fee.....	—	—
Extra Fee for Upr. Copy ..	—	—
Folios Page 9.....	4	50
Hologram Fee (5.....)	5	00
Other Items if any.....	3	25
Total	13	25

(Rupees <sup>Thirteen</sup>  
 & Paise <sup>Twenty Five</sup> only)

16.12.22  
 ASO

EXAMINER OF COPIES  
 CUM  
 SUPERINTENDENT  
 COPYING DEPARTMENT

CERTIFIED TO BE A TRUE COPY  
 J. Mohapatra 16.12.22  
 Assistant Registrar (Estt.)  
 ORISSA HIGH COURT  
 Authorised Under Section-76, Act-I of 1872



No. WPL-24/97-22764/2,  
Government of Orissa  
Finance Department.

RESOLUTION

Bhubaneswar, dated the 15th May, 1997.

Sub: Scheme for absorption of N.M.R /D.L.R./Job  
contract Workers under Regular Establishment

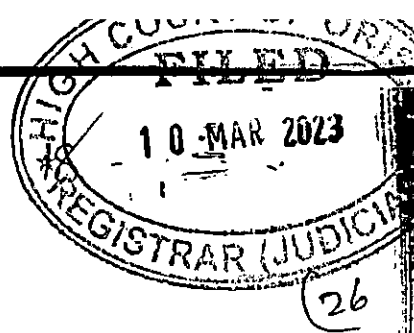
It has been brought to the notice of Finance Deptt. by the different Departments of Govt. that directives from Hon'ble Supreme Court, High Court and Orissa Administrative Tribunal have been received for preparation of a scheme to absorb the above categories of workers under regular establishment.

As per the above directives, Govt. have been pleased to formulate the following norms and conditions for the NMR/DLR/Job contract workers.

1. Separate Gradation/Seniority list shall be prepared by the appointing authority for each category of workers determining the length of engagement of a particular person. The workers should have worked under the administrative control of the Department concerned directly for a minimum period of 10 years. The engagement of 240 days in a year shall be construed as a complete year of engagement for this purpose.
2. The workers should have been engaged prior to 12.4.1993 i.e. prior to promulgation of N.M.R/DLR/Job contract workers etc. vide Finance Department Circular No. WPL-IL-180/92-17815/F., dt-12.4.93.
3. They should have the minimum educational/Technical qualification prescribed for the post against which they would be absorbed.
4. They should be within the age limit prescribed for 1st appointment to Government service after deduction of the number of years they have worked under the Deptt. concerned.
- 5x. Provided that the age limit can be further relaxed with the approval of Appointing authority.
5. Absorption against the post for which regular recruitment rules have been framed will be made in relaxation of the relevant provision by the Competent authority.
6. Vacancies reserved for SC/ST/OBC/Women candidates, physically Handicapped etc. will be filled up according to reservation rules issued by Government from time to time.

True Copy  
Attested.

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack



7. Absorption in Class-III and IV posts against the vacant posts shall be made keeping in view the austerities measures issued in Finance Department O.M. No. 50791/F., dt 10.12.96 read with O.M. No. 4986 dt 7.2.97

8. While filling up the regular vacant posts preference shall be given to work charged employees first hours no suitable work charged employees are available to the post preference shall be given in the following order as NMR, DLR, Job contract workers and others.

9. On absorption in a regular establishment the worker shall draw the minimum of the time scale attached to the post and other allowances as admissible under rules from time to time.

10. The date of regularisation shall be reckoned as the 1st appointment to the service for pension and other service benefits.

11. The authority competent who shall issue the order of regularisation shall certify that the person(s) who are being regularised in this order were engaged as .... prior to 12.4.93 i.e. prior to promulgation of bun issued by Finance Department and this has been agreed to by the Financial Adviser of the Department.

13. This order shall supersede all the orders/ Regulations/Notification etc. issued by various departments of Govt. for regularisation of NMR/DLR/JOB contract and other such category of workers.

Copy of all regularisation order issued in this connection shall be forwarded simultaneously to the Administration department concerned and Finance Department.

ORDER: Ordered that this should be published in the next issue of Orissa Gazette for general information.

By order of the Governor.

P. K. Mishra  
Principal Secretary to Government.

Memo No. 22765(45)/F., dt 15.5.1997.

**True Copy** Copy forwarded to all Departments of Government including Orissa Legislative Assembly and Governor's Secretariate  
**Attested** for information and necessary action.

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

S/-  
Deputy Secretary to Govt.

-79- 19 ANNEXURE - 3

No. Pen-59/97-49296/F.,  
GOVERNEMENT OF ORISSA,  
FINANCE DEPARTMENT

**OFFICE MEMORANDUM**  
Bhubaneswar, the 12<sup>th</sup> Dec, 1997.

Sub:- Counting of service rendered under the Job contract establishment towards pension.

The Service rendered under the Job Contract establishment which is paid from contingencies is not taken into account towards pensionary benefits under rule 18(2) (iii) of O.C.S.(Pension) Rules 1992. Further, under rule 21 of the said Rules, except in pensionable establishment, the service in Survey and Settlement organization will not be count for pension unless it is followed without interruption by qualifying service.

2. According to finance Department Resolution No. 22764/- dated 15.05.97, the Job contract employees appointed prior to 12.04.93 (after which there is a ban for engagement of such employee) under the administrative control of different Departments can be brought over to the posts created under regular/ pension establishment after completion of 10-years service as Job contract employees subject to fulfillment of certain conditions and stipulations outlined therein. According to the provisions contained in the said office Memorandum, the date of regularization shall be reckoned as the first appointment to the service for pension and other benefits. It has come to the notice of the Government that some of the Job contract employees are absorbed under the regular establishment almost towards the end of their service and become ineligible to get the pensionary benefits due to length of regular Government service in pensionable establishment. This has caused hardship to such type of employees.

3. The Hon'ble High Court of Orissa in their Judgment dt 24.01.92 in O.J.C. No. 2147/91 directed that "for the purpose of calculating the pensionary benefits, so much of their service period shall be reckoned, even if there had been breaks in their employment, so as to make them eligible for pension". The Hon'ble Orissa Administrative Tribunal have also in their judgment in O.A No. 1540(C)/96 have categorically directed to count that much period of Job contract service of the employees which will make them eligible for pensionary benefits.

4. After careful consideration of the matter, state Government have been please to decide that for the purpose of pensionary benefits only so much of their Job-Contract service period shall be added to the period of qualifying service in regular establishment as would render them eligible for pension. Addition of that portion of Job-Contract service shall not be counted for calculation of gratuity.

Sd/-K.B. Verma

Principal Secretary to Govt.

**True Copy  
Attested**

Sd/-  
21/12/97  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

20

ANNEXURE-4

## IN THE HIGH COURT OF ORISSA; C U T T A C K

W.P.(c) No. 30509 /2022

(Code No. )

Maheswar Barik

.....Petitioner.

Versus

State of Orissa and Others

.....Opp. parties. .

## INDEX

Sl.No.	Description of documents	Annexure	Pages
1.	Writ Application		1- 8
2.	True copy of the engagement order	1	9
3.	True copy of relieve order	2	10 - 11
4.	True copy of the pension payment order	3	12 - 13
5.	True copy of the representation	4	14
6.	True copy of order in other cases	5	15 - 22
7.	True copy of order in favour of others	6	23 - 28

Vakalatnama


CUTTACK

Dt. . 11 .2022

ADVOCATE FOR THE PETITIONER

PRAFULLA KUMAR MOHAPATRA, ADVOCATE,  
 ENROLLMENT NO. O-141/1990,  
 MOB.- 9437067454.

TRUE COPY ATTEST

  
 Administrative Officer  
 L. R. & S Wing, Board of Revenue  
 Odisha, Cuttack

## IN THE HIGH COURT OF ORISSA; C U T T A C K

W.P.(c) No. 30509 /2022

(Code No. )

In the matter of:

An application under Article 226 and 227 of the Constitution of India;

AND

In the matter of:

An application challenging the action/inaction on the part of the opp. parties in not allowing pension and pensionary benefits by counting his entire past services rendered under J.C. estt. and regular estt. despite the principles decided in O.A.No. 3020© /2003, which has been affirmed in W.P.(c) No. 14244/2006 and in S.L.P.No.12573/2015 as well as the benefits given to similarly situated persons.;

AND

In the matter of:

Maheswar Barik, aged about 68 years, S/o. Late Lalit Mohan Barik, At:-Kusuti, P.O.-Madhupur, Via.-Kamarda, Dist-Balasore, Retd.Asst. Revenue Inspector, Morada Tahasil, At/P.O-Morada, Dist.- Mayurbhanj.

.....Petitioner .

**True Copy  
Attested**

Versus

Administrative Officer  
L. R. & S-Wing, Board of Revenue  
Odisha, Cuttack

1. State of Odisha represented through its Secretary,  
Govt. of Odisha, Revenue and Disaster Management  
Department, Lok Seva Bhawan, Bhubaneswar, Khordha.



2. Director of Land Records, Surveys and Consolidation,  
Odisha, Board of Revenue, Cuttack, At/Po/Dist-Cuttack.
3. Collector and District Magistrate, Mayurbhanj,  
At/P.O.-Baripada, Dist- Mayurbhanj .
4. Dy. Director of Consolidation, Balasore,  
At/P.O/Dist-Balasore .
5. Tahasildar, Morada,  
At/P.O.-Morada, Dist- Mayurbhanj.
6. Secretary to Govt. of Odisha, Finance Department,  
Lok Seva Bhawan, Bhubaneswar, Khordha.
7. Accountant General (A & E), Odisha, Bhubaneswar,  
At/P.O.- Bhubaneswar, Dist. Khordha.

.....Opp. parties.

The matter out of which this Writ petition arises was never  
before this Hon'ble Court in it's present form .

To


Hon'ble The Chief Justice of Orissa High Court and His Lordship's &  
Companion Justices of the said Hon'ble Court.

The humble petition of the petitioner above  
named ;

**MOST RESPECTFULLY SHEWETH THAT ;**

1. In this Writ petition, the petitioner challenges the action/inaction on the part  
of the opp. parties in not allowing pension and pensionary benefits by  
counting his entire past services rendered under J.C. estt. and regular estt.  
despite the principles decided in O.A. No. 30200 /2003, which has been  
affirmed in W.P.(c) No. 14244/2006 and in S.L.P.No.12573/2015.

**True Copy  
Attested**

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

Although similarly situated persons have been granted the benefit of pension on the basis of their entire past service, but the petitioner has been discriminated. Such action of the opp. parties is illegal and hit by Article 14 and 16 of the constitution.

2. The petitioner is a citizen of India, resides within the territorial jurisdiction of this Hon'ble Court and the cause of action for filing this Writ petition is also arises within the said jurisdiction of this Hon'ble Court.
3. It is humbly submitted that the petitioner is a retired Asst. Revenue Inspector under the control of Collector, Mayurbhanj. He has been deprived to get pension on the basis of their total period of service rendered under J.C.estt. and regular estt., whereas other similarly situated persons viz- Nityananda Biswal, Udhav Chandra Nath and others have already granted the benefits of pension as their entire period of service under J.C.stt. and regular estt. have already been counted towards pension and pensionary benefits pursuant to the principles decided in O.A.No.1071©/2003 and OA.No.3020©/2003. The State Govt. although challenged the order passed in O.A.No.3020©/2003, but failed. The Hon'ble High Court has passed an order on 09.04.2014 in W.P.(c) No. 14244 of 2006 upholding the order passed by the Tribunal in O.A.No. 3020©/2003 for counting of entire J.C period of service towards pension. The Apex court has also confirmed the same in S.L.P.No.12573/2015 by dismissing the appeal of the state Govt. and now the principles decided in the aforesaid cases has already been implemented with due concurrence of Finance depts. and the same is fully applicable to the case of the petitioner. Apart from that recently similar issue has been decided by a Division Bench of this Hon'ble court vide order dt. 19.04.2022 in W.P.(C) No. 3987 of 2017 and further a decision held by the Apex court vide judgment dt. 26.8.2020 in Civil Appeal No. 3984 of 2010, V. Sukumaran vrs. State of Kerala and others, wherein it has been decided for counting of past services for the purpose of pension.

**True Copy  
Attested**

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

4. It is humbly submitted that, the petitioner entered in to service on 13.1.1979 as J.C. Amin under Dy. Director of Consolidation, Balasore. While continuing under Dy. Director of Consolidation, Balasore, he was absorbed in the regular post of Asst. Revenue Inspector by the Collector, Mayurbhanj and posted at Rasagivindapur Tahasil. He was relieved from consolidation office and joined in the regular post on 16.8.2007. He retired from service on 31.1.2013 and getting minimum pension.

True copy of the engagement order is filed herewith as Annexure-1.

True copy of the relieve order dt. 10.8.2007 is filed herewith as Annexure-2.

True copy of the pension payment order is filed herewith as Annexure-3.

5. The petitioner after retirement have been granted minimum pension only on the basis of regular period of service and some J.C. period of service, but the entire J.C. period service and regular service from 13.1.1979 to 31.1.2013 rendered by the petitioner under consolidation organization and District Office has not been counted, for which he has been deprived to get pension and pensionary benefits, whereas other persons similarly situated viz. Nityananda Biswal and Udhaba Chandra Nath and others have been granted full pension and full retirement benefit on the basis of entire service period rendered under J.C. establishment and regular establishment. The petitioner being a similarly situated person and had made several approaches before the authorities for counting his total period of service both J.C. and regular service and grant pension and pensionary benefits accordingly, but, the opp. parties instead of counting his entire period of service remained silent, even repeated approaches of the petitioner before his authorities there was no response. Since, similarly situated persons viz- Udhaba Chandra Nath and others, Nityananda Biswal have been allowed pension and

**True Copy  
Attested**

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

5  
~~20~~ 25

pensionary benefits by counting their entire J.C. period of service as per the order of the opp. Party No.1, the petitioner ventilated his grievances before his authorities. Since there is no response, the petitioner lastly preferred to file an appeal before the opp. Party No.1 on 27.9.2021 for grant of similar benefits and as yet no decision has been taken and the same is pending before the authority.

True copy of the representation is filed herewith as

Annexure-4.

6. It is humbly submitted that, as per the decision of this Hon'ble court similarly situated persons viz- Udhaba Chandra Nath and others, Nityananda Biswal and others have been granted the benefits of full pension by counting his entire period of service. In O.A. No. 3020©/2003, which has been disposed of on 14.1.2004, wherein it has been held that the period of engagement under J.C. estt. should be taken as qualifying service and accordingly his pension and pensionary benefits be revised with in a period of 6 months. The said order has been affirmed in W.P.(c) No. 14244/2006 vide order dt. 14244/2006 and then by the Apex Court in S.L.P.(c) No.12573/2015. Thereafter, the opp. Parties granted the benefits of pension to Nityananda Biswal on the basis of entire J.C. period service. In O.A. No. 10719c)/2003 order was passed on 25.2.2003 and the opp. Parties granted the benefits to Udhaba Nath and others vide order dt.1.5.2009. Apart from that recently similar issue has been decided by a Division Bench of this Hon'ble court vide order dt. 19.04.2022 in W.P.(C) No. 3987 of 2017, wherein the counting J.C. period service has been allowed. Further the Apex court vide judgment dt. 26.8.2020 in Civil Appeal No. 3984 of 2010, V. Sukumaran vrs. State of Kerala and others have directed to count past services for the purpose of pension. Although the grievance of the petitioner is squarely covered with the fact of the case of the aforesaid decisions, but there is no action and the petitioner has been

**True Copy  
Attested**

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack


discriminated. Therefore, the petitioner prays before this Hon'ble Court for a direction to the Opp. Parties to grant similar benefits of pension by counting his entire past services as has been extended to similarly situated persons.

True copies of the order passed in other cases are filed herewith as Annexure- 5.

True copies of the order in favour of others are filed herewith as Annexure- 6.

7. It is humbly submitted that similar issue was came up before this Hon'ble court in OJC No. 2405 of 1985 and the same was transferred to Tribunal and registered as T.A. No. 11/1993. The said case was disposed of on 21.10.1994 following the decision of the Apex court and by giving direction to the opp. Parties to count the entire J.C. and regular period of service. The said order was challenged before the Hon'ble Apex court in SLP(C) No. 13916/1995 and the same was dismissed vide order dt. 17.7.1995.
8. It is humbly submitted that due to non counting of the past service of the petitioner, he has been deprived to get full pension. Had his past service right from entry in to service under J.C. estt. been counted towards his qualifying service along with regular service, he would have got the benefit of full pension as has been extended to similarly situated persons. As per the principles decided in O.A.No. 3020©/2003, it has been held that the period of engagement under J.C. estt. should be taken as qualifying service. Same thing has been reiterated in a recent decision of a Division Bench of this Hon'ble court vide order dt. 19.04.2022 in W.P.(C) No. 3987 of 2017, wherein the counting of entire J.C. period of service has been allowed. The case of the petitioner is similar and the decision is fully applicable, but his case is pending before the authorities and no decision has been taken.
9. Law is well settled that once a decision is rendered by any court of law and it is implemented by the authorities, such benefits are to be extended to

**True Copy  
Attested**

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

7-28-27

similarly placed persons. The Hon'ble Supreme Court of India in the matter of K. Shephard and others vrs. Union of India, reported in AIR 1988 S.C. 686 have decided that once a decision is taken by court of law and it is implemented by the authorities, the said benefit is to be extended to similarly placed employees even though they have not approached the court of law. Similar view was taken by the Hon'ble Supreme Court of India in the matter of Maharaj Bhatta and another vrs. State of J.K. and others, reported in (2008) 9 SCC 24. Their Lordships decided that once a decision is taken by a court of law and State authorities have implemented the order, the said benefit should have been extended to all similarly placed persons.

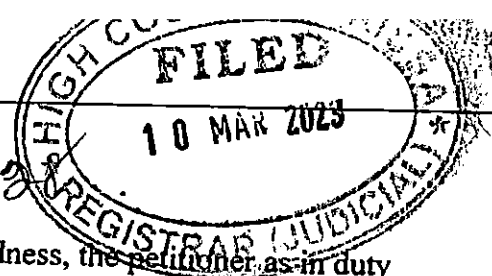
**P R A Y E R**

The petitioner therefore prays that your Lordships may graciously be pleased to: -

- i) Direct the Opp. parties to grant similar benefits of pension and pensionary benefits by counting his entire past services rendered under Job Contract Estt. along with regular establishment in the light of the decision of this Hon'ble court in W.P.(c) No. 14244/2006, which has been affirmed by the Apex Court in S.L.P.(c) No.12573/2015 and T.A. No. 11/1993, which has been affirmed by the Apex Court in SLP(C) No. 13916/1995 and the recent decision of a Division Bench of this Hon'ble court vide order dt. 19.04.2022 in W.P.(C) No. 3987 of 2017 as has been given to similarly situated persons ;
- ii) pass such other orders /directions as may be deemed fit and proper in the bonafide interest of justice.

True Copy  
Attested

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack



8

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

Cuttack

By the petitioner through

Dt. .11.2022

Advocate

### AFFIDAVIT

I, Maheswar Barik, aged about 68 years, S/o. Late Lalit Mohan Barik, At:-Kusuti, P.O.-Madhupur, Via.-Kamarda, Dist-Balasore, Retd.Asst. Revenue Inspector, Morada Tahasil, At/P.O-Morada, Dist.- Mayurbhanj, do hereby solemnly affirm and state as follows: -

1. That, I am the Petitioner in the aforesaid writ application.
2. That the annexures are true copies of their respective originals.
3. That, the facts stated in this petition are true to the best of my knowledge and based on records.

Identified by:

Advocate

Deponent

### CERTIFICATE

Certified that due to non availability of cartridge papers, this petition is typed on thick white papers.

Cuttack

Dt. .11.2022

ADVOCATE

**True Copy  
Attested**

  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

# ANNEXURE 1

29

9

OFFICE OF THE DEPUTY DIRECTOR: CONSOLIDATION: BHADRA

Order No. \_\_\_\_\_ / Dated- \_\_\_\_\_

The following persons who have come out successful in the Amin Training are hereby appointed as Amins under Job-Contract establishment on a month fixed pay of Rs. 240.00 with usual D.A. & A.D.A. as admissible from time to time subject to proportionate deduction towards short out-turn and are posted to the Camps noted against them. They are required to open their D. & C. Bank and to deposit security amounting to one month's pay in the Savings Bank Account duly pledged to the Deputy Director, Consolidation, Bhadrak.

They should report for duty before the concerned Officers by 20.1.79 positively failing which their appointments will stand cancelled.

Name of the Amin:

Camp to which posted:

Sri Mahasweta Bank  
Vill - Kusati  
P.O. Mahabubpur  
Dist. Bhadrak

Sd/-R.N. Misra,  
DEPUTY DIRECTOR:  
CONSOLIDATION: BHADRAK

Memo No. 59 (21) / Dated- 11.1.79

Copy to be sent to concerned Officers for information & necessary action.

Copy to Consolidation Officer, Bhadrak for information.

TRUE COPY ATTESTED

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

DEPUTY DIRECTOR:  
CONSOLIDATION: BHADRAK



# ANNEXURE 2

OFFICE OF THE DEPUTY DIRECTOR : CONSOLIDATION, BALASORE

ORDER No. \_\_\_\_\_ /CH, Date: \_\_\_\_\_

In pursuance of Dist. Office, Mayurbhanj, Baripada order communicated in Memo No.3024/Estt. dt. 03.08.2007, the following J.C. Amin Gr.I of C.O. Circle, Basta/Simulia (Soro) are hereby relieved of their duties w.e.f. 15.08.07 A.N. to enable them to join as Asst. R.I./Amin as mentioned against each under regular Establishment in different Tahasils of Mayurbhanj District.

Sl. No.	Name of the J.C. Amin	Name of Camp/Circle	Name of the post in which appointed & place of posting	Remarks
1.	2.	3.	4.	5.
	<u>Sarbashree</u>			
✓	Maheswar Barik, Amin Gr. I.	Srirampur C.H. Camp under C.O. Circle, Basta.	Asst. R.I., Rasgobindpur Tahasil	—
2.	Balaram Mohanty, Amin Gr. I.	Nadigan C.H. Camp under C.O. Circle, Simulia (Soro).	Asst. R.I., Udala Tahasil	—
3.	Prafulla Kr. Behera, Amin Gr. I.	Srirampur C.H. Camp under C.O. Circle, Basta.	Asst. R.I., Udala Tahasil.	—
4.	Dibakar Maikap, Amin Gr. I.	Mahatipur C.H. Camp under C.O. Circle, Simulia (Soro)	Amin, Baripada Tahasil	—
5.	Banshidhar Patra, Amin Gr. I.	Kedarpur C.H. Camp under C.O. Circle, Simulia (Soro)	Amin, Betnoti Tahasil.	

They are directed to join in their new assignments soon after relief from C.O. Office/Camp.

By Order of Deputy Director,  
Consolidation, Balasore

*sd-*

Asst. Consolidation Officer,  
Hdqs., Balasore

Memo No. 1384(5) / Date : 10.8.07

Copy to persons concerned for information and necessary action.

TRUE COPY ATTESTED

*9/12/07*

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

Asst Consolidation Officer,  
Hdqs., Balasore

*10/8/07*

31  
:: 2 ::

Memo No. \_\_\_\_\_ / Date : \_\_\_\_\_

Copy to Asst. Consolidation Officer, Srirampur / Nadigan / Mahatipur / Kedarpur C.H. Camp for information and necessary action.

*sd*  
Asst. Consolidation Officer,  
Hdqrs., Balasore

Memo No. \_\_\_\_\_ / Date : \_\_\_\_\_

Copy to Consolidation Officer, Basta / Simulia (Soro) for information and necessary action. They are requested to ensure the relief of said J.C. employees on 15.8.07 A.N. positively and report compliance.

*sd*  
Asst. Consolidation Officer,  
Hdqrs., Balasore

Memo No. \_\_\_\_\_ / Date : \_\_\_\_\_

Copy to Tahasildar, Rasgobindapur / Udala / Baripada / Betnoti for information and necessary action.

*sd*  
Asst. Consolidation Officer,  
Hdqrs., Balasore

Memo No. \_\_\_\_\_ / Date : \_\_\_\_\_

Copy to Sub-Collector, Baripada / Kaptipada for information and necessary action.

*sd*  
Asst. Consolidation Officer,  
Hdqrs., Balasore

Memo No. \_\_\_\_\_ / Date : \_\_\_\_\_

Copy forwarded to the Asst. Director, Consolidation-cum-Under Secretary, Board of Revenue, Orissa, Cuttack for information with reference to Dist. Office Baripada order No.3023/Estt. dated 3.8.07.

*sd*  
Asst. Consolidation Officer,  
Hdqrs., Balasore

Memo No. \_\_\_\_\_ / Date : \_\_\_\_\_

Copy to Establishment Officer, Collectorate, Baripada for information with reference to Dist. Office Baripada Memo No. referred above.

**TRUE COPY ATTESTED**

*9/12/03*  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

*sd*  
Asst. Consolidation Officer,  
Hdqrs., Balasore

*Maheshwar Borik*

32  
ANNEXURE 3

12

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (A.R.), MASMA, BHUBANESWAR

Application No. 1013001000

PEN-7/BLS/2081343322

OFFICE

PEN-7/BLS/2081343322

Date 22/08/2013



3500/-

3500/-

(Three Thousand Five Hundred Only)

SHRI MAHESWAR BARIK

UNTIL FURTHER NOTICE, RESERVEING 240/-

of this... has permission from... of the... of the...

MAHESWAR BARIK

3500/-

REBATI PARAMANIK

(Three Thousand Five Hundred Only)

MAHESWAR BARIK

and thereafter @ Rs. Rs3500/- till his/her retirement or death whichever is earlier.

increase in DA: The DA may be paid... time to time

come Tax when...

BALASORE

GA-75

Signature

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL

Destination

Sr. Accounts Officer

Seal of the Pension Payment Order Issuing Authority

Ref: <http://www.agor.cog.gov.in>

TRUE COPY ATTESTED

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

Application No 1013051809

PAY BAND PB-1

PART - II

PPO No. P0813BLREV01809

Name of the Govt. Employee  
SHRI MAHESWAR BARIK

ASSISTANT REVENUE INSPECTOR

2A. Scale : 5200-20200

Office COLLECTOR & DISTRICT MAGISTRATE MAYURBHANJ

Residential Address AT-KUSUTI, PO-MADHUPUR, PS-BHOGARAI, DIST-BALASORE, ODISHA

Date of Birth	24/01/1955	Date of Appointment	16/08/2007	Date of Retirement	31/01/2013	Date of Death	
Superannuation Pension (Rule 40)		Period of Service	10 Y-0 M-0 D	Last Pay Drawn	7770/-		
Amount of Pension	3500/-	Committed Pension		Pay	5870+DP, D+GP	1900	
				Net Pension			

Provisional pension paid as Rs. /- which is to be adjusted

Provisional Retirement Gratuity already paid to be adjusted

Provisional Commuted value already paid to be adjusted

As per the provisions of the Act

Remarks

No

ill re-marriage or death, whichever is earlier

Sr. No.	Name	Relationship with Govt. Employee	Date of birth Age of children
1	REBATI PARAMANIK		01/01/1989

Website : <http://www.apor.oda.gov.in>

TRUE COPY ATTESTED

L.R. & S-Wing, Board of Revenue  
Odisha, Cuttack

34  
ANNEXURE 4

To

The Commissioner-cum-Secretary, Revenue and Disaster Management Deptt.,  
Odisha, Bhubaneswar.

Sub: Regarding grant of pension and pensionary benefits on the basis of entire period of service  
in the light of the benefits granted to other similarly situated persons.

Sir,

With due respect, I beg to state that, I am a retired ARI under the Collector, Mayurbhanj. I was  
appointed on 13.1.1979 in Consolidation organization and after rendering long period of  
service, I was absorbed in the regular post of ARI by the Collector, Mayurbhanj on 16.8.2007.  
I retired from service on 31.1.2013 and getting minimum pension.

It is humbly submitted that in the mean time number of similarly situated persons  
viz- Nityananda Biswal, Udhaba Chandra Nath and 4 others, Bhagaban Pattanaik, Dushishyam  
Panigrahi and others have been granted pension and pensionary benefits on the basis of their  
entire J.C and regular service period. Similar issue has been decided in O.A. No. 3020(c)/2003,  
which has been affirmed in W.P.(c) No. 14244/2006 and S.L.P.No.12573/2015. Apart from  
that T.A. No. 11/1993, Bhagaban Pattnaik vs. State has been decided, which has been  
affirmed by the Apex Court.

Therefore, it is humbly prayed that your honour may be pleased to  
grant similar benefits of pension and pensionary benefits by counting my entire past services  
rendered under Job Contract Istt. along with regular estt. in the light of the decision in O.A.  
No. 3020(c)/2003 and for which, I shall be highly obliged.

Date. 27.9.2021

Yours faithfully,

*Maheswar Barik*

( Maheswar Barik )

Retd. ARI, Morada Tahasil under the  
Collector, Mayurbhanj.

Postal Address:- At:-Kusuti, P.O.- Madhupur, Via.-Kamarda,  
Dist.-Balasore .

TRUE COPY ATTEST

*9/10/2021*  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

25  
ANNEXURE 5

IN THE HIGH COURT OF ORISSA CUTTACK

(ORIGINAL JURISDICTION CASE)

WRIT PETITION (C) NO. 14244 OF 2006

CODE NO: 311300

IN THE MATTER OF :

An application Under Articles 226 &  
227 of the Constitution of India,

And

IN THE MATTER OF :

An application challenging the order  
dt. 14.1.2004 passed by learned S.A.T.  
in O.A. NO. 30.20(C) of 2003

Presented in Court  
B.O.

And

IN THE MATTER OF :

1. State of Orissa represented through the  
Secretary to Govt. of Orissa, Revenue  
Deptt. Orissa Secretariat, Bhubaneswar,  
Dist: Khurda.
2. Director of Land Records and Survey, Orissa  
Board of Revenue Building, Cuttack.
3. Settlement Officer,  
Ganjam - Koraput Major Settlement,  
Berhampur, At/PO/Berhampur, Dist: Ganjam.

..... PETITIONERS.

VRS

Nityananda Biswal, aged about 60 years,  
son of late Bhagaban Biswal.  
At Olacha, P.O. Berikina  
Vla/Balikuda, Dist: Jagatsinghpur  
Retired Estt. Muz Sarim.

... OPP. PARTY.

TRUE COPY ATTESTE

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

W.P.(C) NO.14244 OF 2006

A. I. C.-98]



Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order
9.	09.04.2014	<p>Heard Mr.Bhuyan, learned Advocate for the petitioner-State and Sri P.K.Mohapatra, learned counsel for the opposite party.</p> <p>Challenge in the present writ petition has been made to the order dated 14.01.2004 passed by the learned Odisha Administrative Tribunal, Cuttack in O.A. No.3020(C) of 2003, wherein, direction was made to take into consideration the period of engagement of the petitioner under job contract establishment while calculating qualifying service and accordingly his pension and other pensionary benefits due and admissible was directed to be revised and paid after adjusting the amount, if any already paid.</p> <p>Perusal of Tribunal's order reveals that learned Tribunal while disposing of O.A. No.3020(C) of 2003 has relied upon its earlier decision in T.A. No.11 of 1993 disposed of on 21.10.1994 (OJC No.2405 of 1985) on this issue.</p> <p>Mr.Mohapatra, learned counsel for the opposite party draws our attention to Annexure-A series which is the order of the Hon'ble Supreme Court passed in SLP (Civil) No.139.16 of 1995, wherein, the State have gone to challenge the order of the Tribunal passed in T.A. No.11 of 1993, and the same came up to be dismissed by order dated 17.07.1995.</p> <p>Apart from the above, we find that earlier in W.P.(C) No.11060 of 2011 a similar case has come before this Court, the principle decided wherein, is squarely applicable to the facts and circumstances of the present case.</p> <p>In view of the aforesaid factual backdrop, we find no merit in the present writ petition; hence the same stands dismissed.</p> <p><b>TRUE COPY ATTESTED</b></p> <p><i>[Signature]</i> Administrative Officer L. R. &amp; S Wing, Board of Revenue Odisha, Cuttack</p>	<p>Additional Government</p> <p><i>sd/- 9. Mahanty, J.</i></p> <p><i>sd/- B N. Mahapatra, J.</i></p>

-3- 37

17

ITEM NO. 23

COURT NO. 10

SECTION XIX

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

226995

Petition(s) for Special Leave to Appeal (C) NO. .... / 2015

CO No. 12573/2015

(Arising out of impugned final judgment and order dated 09/04/2014 in WP(C) No. 14244/2006 passed by the High Court Of Orissa At Cuttack)

STATE OF ORISSA & ORS.

Petitioner(s)

VERSUS

NITYANANDA BISWAL

Respondent(s)

(With appln. (d) for c/delay in filing SLP and office report)

Date : 13/07/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NIX, EQUIL  
HON'BLE MR. JUSTICE C. NAGAPPAN

Certified to be true copy

For Petitioner(s) Mr. Milind Kumar, Adv.

(Assistant Registrar (Jndl.))

For Respondent(s)

11-2-2016  
SUPREME COURT OF INDIA

Upon hearing the counsel, the Court made the following

The special leave petition is dismissed both on the ground of limitation and on merits.

TRUE COPY ATTESTED

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack



- 28 -

18

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
REVIEW PETITION (CIVIL) NO. 3269 OF 2016

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 19834 OF 2018

STATE OF ORISSA AND ORS.

PETITIONERS

VERSUS

THE ATTORNEY GENERAL

RESPONDENT

ORDER

Delay condoned.

We have perused the Review Petition and the connected papers.

We do not find any error in the order impugned, much less an apparent error on the face of the record, so as to call for its review.

The Review Petition is, accordingly, dismissed.

.....  
(M. Y. EGDAI)

.....  
(C. NAGAPPAN)

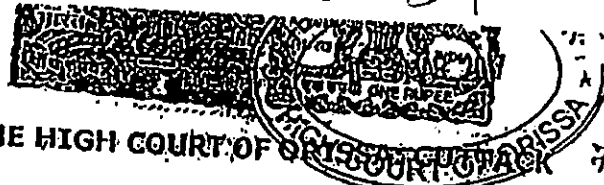
NEW DELHI:  
OCTOBER 20, 2016.

TRUE COPY ATTESTED

*S*  
9/10/23

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

28-39



19

IN THE HIGH COURT OF ORISSA, CUTTACK BENCH

W. P. (C) No. 3887 of 2017

Code No.311300

In the matter of:-

An application under Article 226 and 227 of the Constitution of India.

And

In the matter of:-

An application under the provisions of Administrative Tribunal Act read with Rules.

And

In the matter of:

Presented in Court An application challenging the order of State Administrative Tribunal, Cuttack Bench, Cuttack passed in O.A. No. 2080 (C) of 1998 dismissed on 27.06.2016.

B.S.B. And

In the matter of:-

Padmanava Barik, Retd. Bench Clerk, aged about 79 years,  
S/o- late Nidhi Barik, At/Po - Nandan, Via- Kendupada, Dist - Jagatsinghpur.

.....Petitioner

Versus

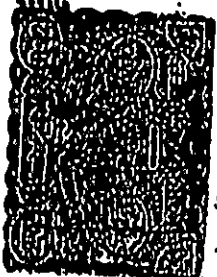
1. State of Orissa, represented through its Development Commissioner cum-Secretary, Revenue & Excise Department Orissa, Bhubaneswar, Dist - Khurda. Now Secretary Revenue & Disaster Management Department, Odisha, At/Po - Secretariat Building, Bhubaneswar, Dist - Khurda.
2. Director, Land Records & Survey, Odisha, At/Po- Board of Revenue Building, Cuttack, Ps/Dist- Cuttack.
3. Settlement Officer, Cuttack Major Settlement, At - Jobra, Po - College Square, Dist - Cuttack.
4. Accountant General, Odisha, Bhubaneswar, At/Po - A.G. Square, Bhubaneswar, Dist - Khurda.

TRUE COPY ATTESTED

Prasanna Das  
Advocate  
RY. CUTTACK

.....Opp. Parties

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack



40

20

IN THE HIGH COURT OF ORISSA AT CUTTACK  
W.P (C) No. 3987 of 2017

*Padmanav Barik*

.....

*Petitioner*  
*Mr. S.Mohanty, Adv.*

*State of Orissa and Others*

Vs.

.....

*Opposite parties*  
*Mr. R.P. Tripathy, A.G.A.*

**CORAM:**

**DR. JUSTICE B.R. SARANGI  
MISS JUSTICE SAVITRI RATHO**

**ORDER**

**19.04.2022**

**Order No.**  
**22.**

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this writ petition seeking to quash the order dated 27.06.2016 passed by the Orissa Administrative Tribunal, Cuttack Bench in O.A. No. 32080 (C) of 1998 and to direct the opposite parties to count his past service rendered in the Job Contract Establishment for the purpose of pension and pensionary benefit with the stipulated period.

4. Learned counsel for the petitioner contended that similar matter had come up before this Court in O.J.C. No. 2405 of 1985 and after constitution of the Orissa Administrative Tribunal the same was transferred to the Tribunal and registered as T.A. No. 11 of 1993. The said case was disposed of on 21.10.1994 by the learned Tribunal by following the decisions of the Apex Court and by giving direction to the competent authority to count the past service rendered by the petitioner in Job Contract Establishment towards pension and pensionary benefit and after such orders were

**TRUE COPY ATTESTED**

9/4/22

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

Page 1 of 3

41

27

passed, pension of the petitioner was directed to be calculated, drawn and disbursed in his favour within two months from the date of receipt of the copy of the judgment. The order passed in T.A. No. 11 of 1993 was challenged before the Apex Court by the State, which was dismissed vide order dated 17.07.1995.

5. It is further contended that similar matter had also come up before this Court in O.J.C. No. 2147 of 1991, which was decided on 24.03.1992 and this Court has considered the case of Job Contract employees for regularization of service and for pension and pensionary benefits. In O.A. No. 3020 (C) of 2003 (*Nityananda Biswal v. State of Orissa and others*), the Tribunal vide order dated 14.01.2004 also directed that the period of the engagement of the petitioner in job contract establishment should be taken into account as qualifying service and accordingly his pension and other pensionary benefits be revised and paid to the petitioner therein. The order passed in O.A. No. 3020 (C) of 2003 was also challenged by the State before this Court in W.P.(C) No. 14244 of 2006. This Court vide order dated 04.04.2014 dismissed the writ application preferred by the state against the order passed by the Tribunal. The state also preferred Special Leave to Appeal (C) CC No. 12573 of 2015 against the order passed by this Court in W.P.(C) No. 14244 of 2006, which was dismissed by the apex Court vide order dated 13.07.2015.

6. In view of the above settled position of law, nothing remains to be reconsidered by this Court. Therefore, this Court quashes the order dated 27.06.2016 passed by the Orissa Administrative Tribunal, Cuttack Bench Cuttack in O.A. No. 2080 (C) of 1998. Accordingly the opposite parties are directed to

TRUE COPY ATTEST

9/10/23  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

42

22

extend all such benefits in favour of the petitioner in terms of the directions given by the Courts as mentioned above, as expeditiously as possible, preferably within a period of three months from the date of communication of the certified copy of the order.

7. With the above observation/direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

Sd/- Dr. B.R. Sarangi, J.  
Sd/- S. Ratho, J.

Ashok/Puap



TRUE COPY ATTESTED

S  
9663

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

Comp. by  
10/10/11

43  
ANNEXURE 6

23

MOST URGENT

Government of Odisha,  
Revenue and Disaster Management Department.

No. NGEA-CASEAT-0402/2013-26227 /RDM, dt. 02.07.16

From

Shri S.Nanda,  
Deputy Secretary to Government.

To

The Director, Land Records, Surveys, and Consolidation,  
Board of Revenue, Odisha, Cuttack.

Sub:

Order dated 14.01.2004 of the Hon'ble Tribunal passed in  
OA No. 3020(C)/2003 filed by Nityananda Biswal Vrs. State of  
Odisha and others- implementation thereof.

Sir,

I am directed to refer to your Office letter No. 1970/LR&S,  
dated 19.3.2016 on the above subject and to say that in the event of  
dismissal of Review Petition (Civil) No.3269/15 filed by the State of Odisha  
against the orders dated 13.7.2015 passed by Hon'ble Supreme Court of  
India in SLP (Civil) No. 12834 of 2015 - State of Odisha Vrs. Nityananda  
Biswal, the order of the Hon'ble Tribunal is now absolute.

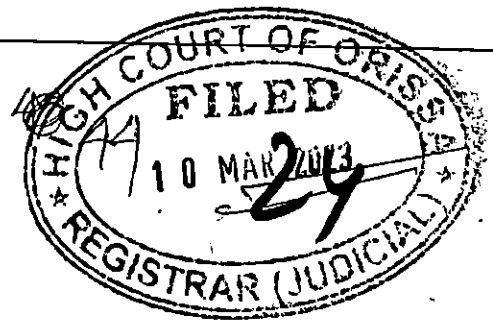
I would, therefore, request you that steps may be taken to  
implement the order dated 14.01.2004 passed by the Hon'ble OAI,  
Cuttack Bench, Cuttack in OA No. 3020(C)/2003, taking into account the  
period of engagement of Sri Nityananda Biswal under Job Contract  
establishment with the regular service period as qualifying service and  
accordingly his pension and other pensionary benefits be revised and the  
amount as due and admissible be paid to him after adjusting the amount  
already paid and the necessary application before the Hon'ble Tribunal in  
time under intimation to this Department.

2. You are also requested to prepare a case study of this matter  
from the beginning that what was the stand of the State Respondent in  
case of Sri Nityananda Biswal as well as in case of Sri Bhagaban Pattnaik to

TRUE COPY ATTESTED

P.T.O.

Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack



// 2 //

find out whether all the while the stand of the State Respondents was as to the principle or not. A detail report in the matter may be furnished to this Department at the earliest, which would be referred to Law Department and Finance Department for further views.

This has been concurred in by Finance Department in their UOR No. 368/MFO&PE dated 8.6.2016.

This may be treated as MOST URGENT.

Yours faithfully,

*[Signature]*  
Deputy Secretary to Government.

Memo No. 20224 /RDM, dt. 02.7.16

Copy forwarded to the Settlement Officer, Ganjam Koraput Major Settlement, Bhubaneswar, Odisha for information and necessary action.

*[Signature]*  
Copy forwarded to the Additional General, Odisha, Cuttack Bench, Cuttack Finance Department for information and necessary action.

*[Signature]*  
Deputy Secretary to Government.

Memo No. 20230 /RDM, dt. 02.7.16

Copy forwarded to the Accountant General (A&E), Odisha Bhubaneswar for information and necessary action.

TRUE COPY ATTESTED

*[Signature]*  
Deputy Secretary to Government.

*[Signature]*  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

OFFICE OF THE SETTLEMENT OFFICER, GANJAM KORAPUT MAJOR SETTLEMENT  
BERHAMPURNo. LXIV-33/2016. 2475 /Estt

Date: 13.12.16

To

The Accountant General (A & E),  
Odisha, BhubaneswarSub: Revision of pension in favour of Sri Nityananda Biswal, Munsarim (Retd)  
PPO No. 324282 of Settlement Office, Berhampur.

Sir,

in pursuance of order Dt. 14.01.2004 passed by the Hon'ble OAT, Cuttack in OA case No. 3020 (C)/2003, letter memo No. 20227/R&DM Dt. 02.07.2016 of the Revenue & DM Department, Odisha, Bhubaneswar and letter memo No. 4340/LR&S Dt. 01.08.2016 of the Board of Revenue, Odisha, Cuttack, I am to submit here with the revised pension papers of Sri Nityananda Biswal, Munsarim (Retd) (PPO No. 32428) along with his original Service Book for sanction of revised pension taking into account the period of Job-Contract service rendered by him as qualifying service with the period of regular service.

In view of the aforesaid OA order Dt. 14.01.2004 of the Hon'ble OAT, Cuttack, an early action is solicited.

Encl

1. Service Book
2. OCS (Pen) Form No. F
3. Calculation Sheet (Revised)
4. LPC
5. Copy of letter Dt. 01.08.2016  
of Board of Revenue

Yours faithfully,

Settlement Officer, Berhampur

Memo No. 2476 /Date: 13.12.16

Copy forwarded to Sri Nityananda Biswal, At: Olash P.O. Borokina, Dist: Jagatsinghpur for information and necessary action.

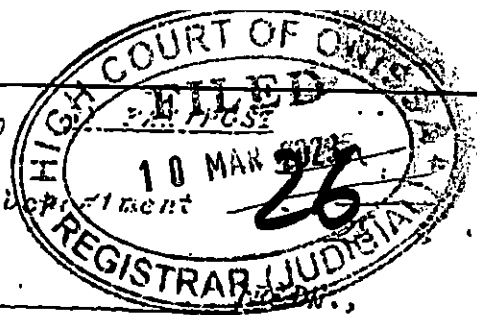
TRUE COPY ATTESTED

*S. S. S.*  
Administrative Officer  
L. R. & S Wing, Board of Revenue  
Odisha, Cuttack

Settlement Officer, Berhampur



45-46  
Department of Orissa  
Revenue & Disaster Management Department



No. HGE(1)113(111)135/03

Dated, Bhudhneswar the

From

Shri J. Bohara,  
Addl. Secretary to Government

To

The Director, Land Records & Surveys,  
Board of Revenue, Orissa, Cuttack.

Sub: O.A.No.1071/03-Udhade Chandra Nath and 4 others  
vs State of Orissa & others.

Sir,

In inviting a reference to your letter No.4088  
dt.19.6.07 on the subject cited above, I am directed to say  
that the services of Sri U.C. Nath & 4 others rendered under  
J.C. establishment as well as your establishment may please be  
taken into account as qualifying service for pension and  
pensionary benefits in pursuance of the order No.8 dt.25.2.03  
passed by the Hon'ble OAT, Cuttack Bench Cuttack in O.A.  
No.1071(C)/03. Accordingly, the pension and pensionary benefits  
of the petitioners may please be revised and drawn and disbursed  
to them within 15 days from the date of issue of the order.

Further, the applicants should furnish their under-  
takings that they will not claim interest on their arrears claims,  
if any.

This has been concurred in by the Finance Department  
vide their U.O.R.No.23 CS III dt.12.2.09.

Yours faithfully,

Memo No.

ADDL. SECRETARY TO GOVERNMENT

/R&DM., dated.

Copy forwarded to Government Advocate, OAT, Cuttack/  
Deputy Registrar, OAT, Cuttack for information and necessary  
action.

Memo No.

18/07

ADDL. SECRETARY TO GOVERNMENT

/R&DM., dated. 1.5.09

Copy forwarded to Settlement Officer, Bhonkhal-  
Koonjhar Major Settlement, AT/PO/Dist-Bhonkhal for information  
and necessary action.

For  
ADDL. SECRETARY TO GOVERNMENT

Memo No. 775 dt. 18/5/09

Copy forwarded to the Addl. Sub-Collector (Secy)  
Kunjhar for information and necessary action.

TRUE COPY ATTESTED

Administrative Officer  
L.R. & S.Wing, Board of Revenue  
Odisha, Cuttack

21/01/13  
Deputy Registrar  
Cuttack

IN THE HIGH COURT OF ORISSA : CUTTACK

W.A. No. 482 of 2023

State of Orissa and Ors.

... Appellant/Petitioner

-Versus-

Maheswar Dand

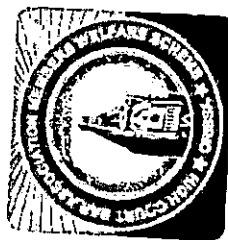
... Respondent/ Opp. Parties

MEMO FOR APPEARANCE

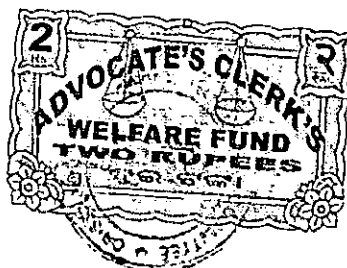
I hereby enter appearance in the above noted case on behalf of the  
Petition.

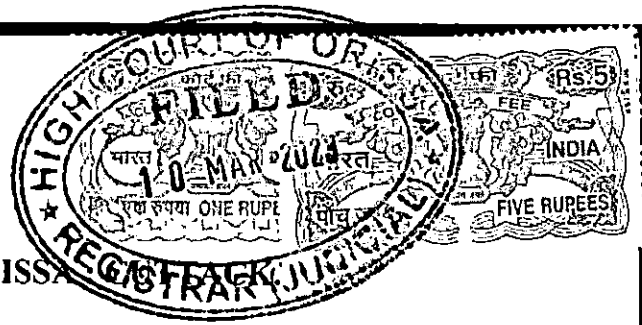
Cuttack

Date: 10/3/23



Arna Behra  
Addl. Standing Counsel  
ARNAB BEHERA  
ENNO-0-3903/2017  
Addl. Govt. Advocate  
MOB - 8800987167





IN THE HIGH COURT OF ORISSA

I.A. NO. 1202 OF 2023  
(Arising out of W.A. No. 482 of 2023)

In the matter of:

An application for condonation of delay  
under Section 5 of the Limitation Act.

AND

In the matter of:

State of Odisha and others

... Appellants

-Versus-

Maheswar Barik

... Respondent


To

The Hon'ble Chief Justice and His Lordship's  
Companion Justices of the Hon'ble High Court  
of Orissa.

The humble petition on  
behalf of the Appellants  
above named;

**MOST RESPECTFULLY SHEWETH:**

1. That the appellants have filed the aforesaid  
appeal challenging the order dated 24.11.2022 passed  
by the Hon'ble Single Judge in W.P.(C) No.30509 of  
2022 under Annexure-1.

  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1945

2. That the impugned order is dated 24.11.2022 and the instant appeal having been filed on 10/3/2023, there is a delay of 76 days in filing the same.

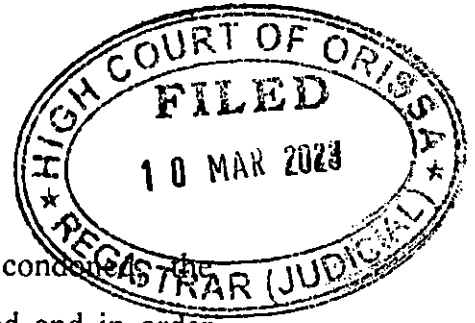
3. That after pronouncement of the impugned order on 24.11.2022. The Revenue & Disaster Management Department vide letter no.5072, dtd.08.02.2023 instructed the appellant no.2 to take steps for filing of writ appeal against the impugned order. On receipt of such letter, the matter was placed before the learned Advocate General who entrusted the matter to the learned Addl. Standing Counsel for preparation of memorandum of appeal. The learned Addl. Standing Counsel after examining the records and after necessary discussion, prepared the Memorandum of appeal which was filed before this Hon'ble Court on 10/03.2023.

4. That in these circumstances, there is delay in filing the appeal which is neither intentional nor deliberate, rather the same has been caused due to movement of the file in different offices of the State Government which were beyond the control of the appellants. It is humbly submitted that the Hon'ble Supreme Court in the case of Cognizance for Extension of Limitation, reported in (2022) 3 SCC 117, was pleased to extend the period of limitation upto 30.05.2022 due to resurgence of COVID-19 pandemic. The delay in filing the appeal is bonafide and there is no deliberate laches nor willful negligence on the part of the appellants in not filing the same in time.

5. That the appellants have a strong prima facie case and there is every likelihood of success and unless

*Pradipta*  
**PRADIPTA KUMAR MOHANTY**  
 Notary, Cuttack Town  
 Regd. No- ON-04/1995

*Pradipta Mohanty*



3

the delay in filing the appeal is condoned as the appellants would be severely prejudiced and in order to advance substantial justice between the parties, the delay may kindly be condoned.

6. That unless the delay in presenting the appeal is condoned and the matter is heard on merit, the State-appellants will suffer irreparable loss and it shall be grossly prejudiced.

7. That for the interest of justice; the delay in filing the appeal may kindly be condoned.

**P R A Y E R**

It is, therefore, prayed that this Hon'ble Court may graciously be pleased to allow this application by condoning the delay in filing the appeal and further be pleased to pass any other order/orders as this Hon'ble Court may deem fit and proper.

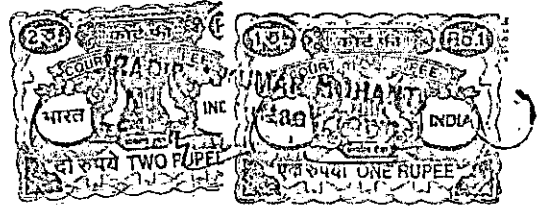
And for this act of kindness the Appellants as in duty bound shall ever pray.

By the Appellants through

Cuttack.  
Dt. 10/3/2023

*Arma Beher*  
Addl. Standing Counsel

*h*  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995



## AFFIDAVIT

I, Sri Bikash Chandra Mohapatra aged about 59 years, S/o Late Satyananda Jena, presently working as Director, Land Records, Surveys & Consolidation, Board of Revenue, Odisha, Dist.-Cuttack do hereby solemnly affirm and state as follows:-

1. That I am the Appellant No.2 in this case and I am otherwise acquainted with the facts of this case and competent to swear this affidavit on behalf of other appellants.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by :

*Mohan Behera*  
AC, A.G.'s Office.

*Bikash Ch Mohapatra*  
Deponent Director,  
Land Records Survey & Consolidation  
Board of Revenue, Odisha, Cuttack

### CERTIFICATE

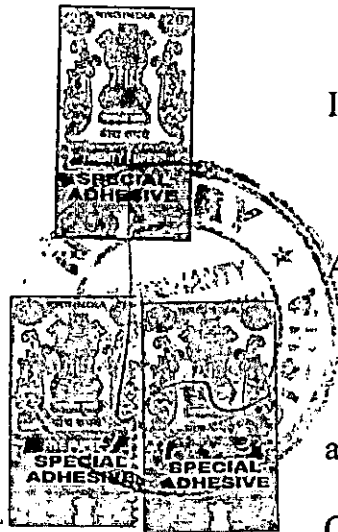
Certified that Cartridge papers are not available.

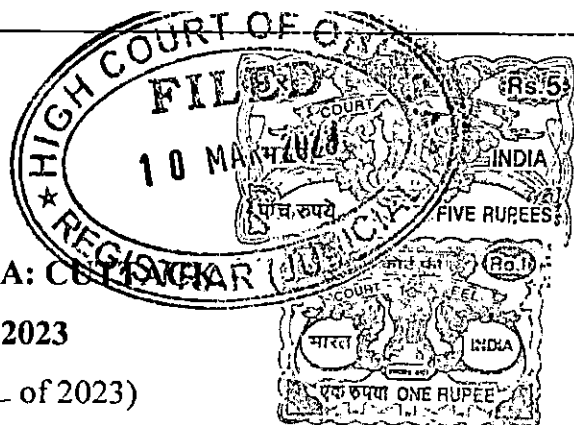
Cuttack  
Dtd. 10/3/2023

*Arna Behera*  
Addl. Standing Counsel **ARNAB BEHERA**  
ENINO-0-3903/17  
NOB-8800927167

Solemnly sworn before  
me by..... *B.C. Mohapatra*  
being identified by..... *M. Behera AC A.G.'s Office*  
at Cuttack Town Day..... *10/03/2023*  
10/3/2023

P.A. Mohapatra, Cuttack Town  
Regd No. 04/1995





IN THE HIGH COURT OF ORISSA: CUTTACK

I.A. NO. 1203 OF 2023

(Arising out of W.A. No. 482 of 2023)

In the matter of:

An application for stay; under Chapter-VI,  
Rule-27 (A) of the Orissa High Court  
Rules, 1948.

AND

In the matter of:

State of Odisha and others

... Appellants

-Versus-

Maheswar Barik

... Respondent

To

The Hon'ble Chief Justice and His Lordship's  
Companion Justices of the Hon'ble High Court  
of Orissa.

The humble petition on behalf of  
the Appellants above named;

**MOST RESPECTFULLY SHEWETH:**

1. That the appellants have filed the aforesaid appeal challenging the order dated 24.11.2022 passed by the Hon'ble Single Judge in W.P.(C) No.30509 of 2022 under Annexure-1.
2. That the detailed facts and circumstances stated in the writ appeal may kindly be considered as a part of this application.

*Pradipta*  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-0117005

3. That it is humbly submitted that the impugned order is illegal, arbitrary and not sustainable in the eye of law and is liable to be set aside.

4. That the appellants have a strong prima facie case and the balance of convenience lies in favour of the appellants.

5. That unless the impugned order is stayed during pendency of the writ appeal, the appellants shall be highly prejudiced and shall suffer irreparable loss.

6. That in the interest of justice, the impugned order may kindly be stayed till disposal of the writ appeal.

### P R A Y E R

It is, therefore, humbly prayed that this Hon'ble Court may graciously be pleased to allow this application and pass necessary orders to stay the impugned order dated 24.11.2022 passed by the Hon'ble Single Judge in W.P.(C) No.30509 of 2022 under Annexure-1 till disposal of the writ appeal and further be pleased to pass any other order/orders as this Hon'ble Court deems fit and proper.

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

By the Appellants through

CUTTACK.

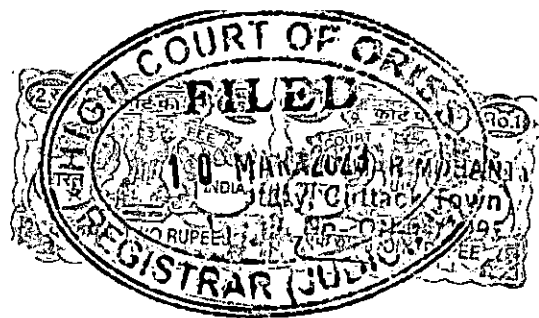
Dt. 10/3/2023

*Pradipta Kumar Mohanti*  
ADDL. STANDING COUNSEL

PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995

*Pradipta Kumar Mohanti*





### AFFIDAVIT

I, Sri Bikash Chandra Mohapatra aged about 59 years, S/o Late Satyananda Jena, presently working as Director, Land Records, Surveys & Consolidation, Board of Revenue, Odisha, Dist.-Cuttack do hereby solemnly affirm and state as follows:-

1. That I am the Appellant No.2 in this case I am otherwise acquainted with the facts of this case and competent to swear this affidavit on behalf of other appellants.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by :

Mohan Behera  
A.C., A.G.'s office.

**DEPONENT**

Director,  
Land Records Survey & Consolidation  
Board of Revenue, Odisha, Cuttack

### CERTIFICATE

Certified that Cartridge papers are not available.

CUTTACK.

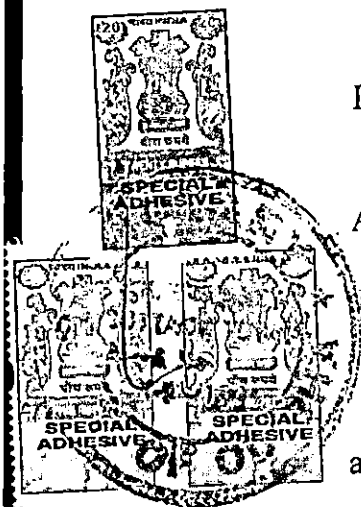
Dt. 10/3/2023

*Arna Behera*  
ADDL. STANDING COUNSEL

ARNAB BEHERA  
ENNO-0-3903/17  
MOB - 8800927167  
A.C. A.G.'s office

Solemnly sworn before  
me by.....*B.C. Mohapatra*  
being identified by.....*M. Behera*  
at Cuttack Town District... 10/03/2023

P.A. Mahapatra, District, Cuttack  
Regu No-04-04/1995



**SCANNED**

**COMPUTERISED FILING COUNTER  
ORISSA HIGH COURT, CUTTACK  
ACKNOWLEDGEMENT SLIP**

**Seat No : 1**

**Branch No : WRIT APPEAL**

**Receipt No : 130365/2024**

**Date Of Receiving : 21/10/2024**

**Time : 01:48:14 PM**

**Filing No : D- WA 482/2023**

**Case No : WA 482/2023**

**Received From : Petitioner**

**Filed By: ADVOCATE FOR THE PETITIONER**

**Document(s) Filed :**

**1- REQUISITE FOR OPS --- Postal Fee -Rs.40**

**IN THE HIGH COURT OF ORISSA: CUTTACK**

**W.A. No. 482 of 2023**

State of Orissa & Ors

...

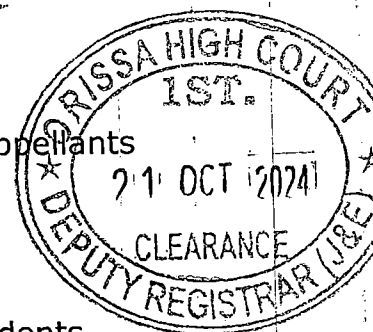
-Versus-

Maheswar Barik

...

Respondents

Appellants



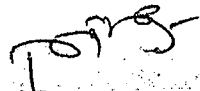
**M E M O**

Postage stamp of Rupees 40/-(Rupees Forty) only, along with written process and the copy of limitation filed herewith for service of notice on Respondents in limitation matter in the aforesaid appeal through Registered post.

Cuttack

Date- 21.10.2024

MOB NO: 9237183713

  
ASC  
For the Appellant

SCANNED

**COMPUTERISED FILING COUNTER  
ORISSA HIGH COURT,CUTTACK  
ACKNOWLEDGEMENT SLIP**

**Ser. No : 1**

**Branch No : WRIT APPEAL**

Receipt No : 142866/2024

Date Of Receiving : 19/11/2024

Time : 01:30:33 PM

Filing No : **WA/482/2023**

Case No : **WA/482/2023**

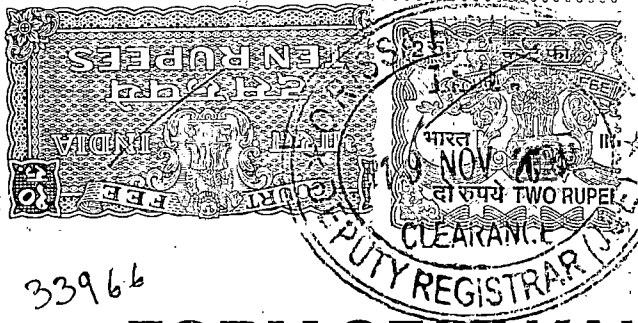
Received From : Respondent (1)

Filed By: M/S PRAFULLA KUMAR MOHAPATRA

Document(s) Filed :

2- Vakalatnama --- Court Fee -Rs.12 (33966/2024)

19-11-2024, 13:30



33966

# FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

W-A  
WP(C) / No. 482 of 20.23

State of odisha & other Petitioner(s)

-VERSUS-

Maheswar Bank Opp. Party(ies)

Know all men by these presents, that by this Vakalatnama

me Maheswar Bank, State Lakshman Bank, A.P. K. K. K.  
Do. modhupur, via Karmacharya, Do. Balasore. R.H. A.P. Revenue  
Inspector, morada Tahasil, A.P. Do. morada D.P.  
mayurkhanj. (RESPONDENT NO: 1)

Appellant/ Respondent/ Petitioner / Opp. party in the application / Writ Case do hereby appoint and retain **PRAFULLA KUMAR MOHAPATRA (Advocate)**, En. No. O - 141/1990

Mobile No. 9437067454, **SAUBHAGYA CHANDRA SAHOO (Advocate)** En. No. O - 470/2007

Mobile No. 9777492518,

At Darjee Sahi, P.O.- Chandinichowk, Dist. : Cuttack-453002 Advocate (s) to appear for me/us in the above case and to conduct and prosecute (or defend) the same and all proceeding that may be taken in respect of any application connected with the same, or any decree or other passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in applications for review appeals under Orissa High Court Order and in application for leave to appeal to Supreme Court. I/We my/our Advocate (s) to admit any compromise lawfully in the said case.

Dated.. 19.11.2024....

Received from the executant (s)  
Satisfied and accepted as I hold  
no brief for the other side.

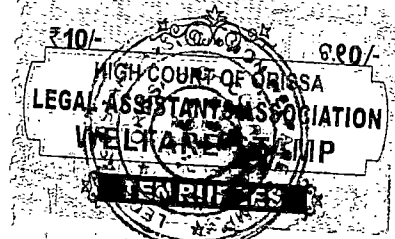
Advocate  
Accepted as above

Advocate  
Accepted as above

Advocate  
Accepted as above

Maheswar Bank

Signature of Executant



SCANNER

**IN THE HIGH COURT OF ORISSA: CUTTACK 3rd.**

**W.A. No. 482 of 2023**

State of Odisha & Ors

-Versus-

Maheswar Barik

Respondents.

**RECEIPT**

Received the copy of appeal memo, along with its annexure and all I.A.s, from the appellant (state) in the aforesaid appeal for appearing on behalf of **the respondent.**

Cuttack

Date-25.11.2024

Advocate

For the **Respondent**  
(Mr. Prafulla Mohapatra, Adv)

