

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1058 of 2023

State of Odisha and others* *Appellants

Mr. M.K. Khuntia, Additional Government Advocate

-versus-

Dharanidhara Jena and others* *Respondents

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

Order No.

**ORDER
05.10.2024**

I.A. No.2741 of 2023

01. This matter is taken up through Hybrid mode.
2. Issue notice to the respondents 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. 1058 of 2023

State of Odisha and others

....

Appellants

Ms. Aishwarya Dash, Addl. Standing Counsel

-versus-

Dharanidhara Jena and others

....

Respondents

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

Mr. Tikeram Meher, Advocate for Respondent No.10

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

25.11.2024

Order No.

02.

I.A. No.2741 of 2023

This matter is taken up through Hybrid mode.

2. The Note of the Registry indicates that notice on respondents No.2, 6 and 7 has returned unserved.

3. Ms. Aishwarya Dash, learned Additional Standing Counsel (ASC) appearing on behalf of the appellants prays for and is granted one week time to take necessary steps.


W.A.No.1058 of 2023

4. List this matter on 02.12.2024 along with W.A. No.482 of 2023.



5. Mr. P.K. Mohapatra, learned counsel has appeared on behalf of respondent No.1. and Mr. Tikeram Meher, learned counsel has appeared on behalf of respondent No.10.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

S. Behera/A Nanda



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1058 of 2023

State of Odisha and others *Appellants*

Ms. A. Dash, Addl. Standing Counsel
-versus-

Dharanidhara Jena and others *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. Mr. P.K. Mohapatra, learned counsel appearing on behalf of the respondents submits that the case is covered by the decision of this Court dated 20.11.2023 in *W.A. No.1134 of 2023 (State of Odisha and another Vs. Sudhansu Sekhar Jena and others)*, but the same has been challenged by State of Odisha before the Supreme Court in SLP (C) No.2146 of 2021 and batch. The matters have been heard on 19.11.2024 and judgment has been reserved. He also submits that a similar matter i.e. W.A. No.614 of 2023 is posted to 10.12.2024.

3. List this matter on 10.12.2024 along with W.A. No.614 of 2023.



4. Ms. A. Dash, learned Additional Standing Counsel for the appellants submits that steps for service of notice/substitution of respondents No.2, 6 and 7 shall be taken by the next date.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

SK Jena/Secy.

IN THE HIGH COURT OF ORISSA

Case No. WA-1058/23

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>② I-A no- 274/23 is at fig 'A' for condonation of delay.</p> <p>For orders Along with KPC (order) - 2021/05</p> <p><u>Rajendra Kumar Kar</u> 17-7-23 D.N.</p> <p><u>Biswabhusan Nahak</u> 22-08-24 DB</p> <p><u>[Signature]</u> 22/8</p> <p>Memo No- 20444-53 Date - 28/10/24.</p> <p>Notice on Limitation matters issued to the R-1 to 10 fixing on 19.11.24 for appearance & show cause.</p> <p><u>[Signature]</u> 26/11/24</p>

IN THE HIGH COURT OF ORISSA

Case No. INA-1058/2023


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>AD received from the R-3, 4 & 9 after valid service.</p> <p><u>Alabak</u> 21/11/24</p> <p>M/S Prafulla Kumar Mohapatra & his associates entered appearance for the R-1 & 3.</p> <p><u>Alabak</u> 21.11.24</p> <p>M/S Tikeram Meher & his associates entered appearance for the R-10.</p> <p><u>Alabak</u> 21.11.24</p> <p style="text-align: right;"><u>Order No-1</u></p>
01	05.10.2024	<p>i) Further order on I.A no- 2741/23 is at Flag-A for condonation of delay.</p> <p>ii) Notice issued to R-2 returned unserved with postal report "Address Decreed hence return to sender"</p> <p>iii) Notice issued to R-6 returned unserved with postal report "He is death returned to sender."</p> <p>iv) Notice issued to R-7 returned unserved with postal report "No such Address in Karadi"</p> <p>v) Neither AD nor undelivered notice issued to R-5 returned yet, in this regard postal</p>

IN THE HIGH COURT OF ORISSA

Case No. WA - 1058 / 2023

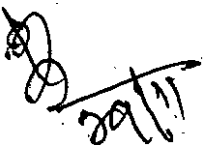
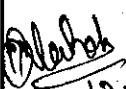
OFFICE NOTES

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	25.11.2024	<p>tracking report showing 'Item Delivered Addressee)' is at Flag - 'N'.</p> <p>vi) Neither AD nor undelivered notice issued to the R-8 returned yet, in this regard postal tracking report showing "showing Item Bagged" is at Flag - 'O'.</p> <p>For Orders</p> <p>Along with WPC COAO - 2021 / 2005</p> <p>(a step of case)</p> <p><u>Biswabhusan Nahak</u> 21.11.24</p> <p>DB <u>Adj. to 25.11.24</u></p> <p> 21/11</p> <p><u>Order No-02</u></p> <p>i) Further order on T.A no - 2741 / 23 is at Flag - 'A' for condonation of delay.</p> <p>ii) No necessary steps have taken yet by the Additional standing counsel of the appellants regarding the unserved notice of respondents no - 2, 6 & 7.</p>

IN THE HIGH COURT OF ORISSA

Case No. WA-1058/2023

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>11) Neither AD nor undelivered notice returned from the A-5 yet, in this regard postal tracking report showing - "Item Delivered (Addressee)" is at Flag - 'N'.</p> <p>12) Neither AD nor undelivered notice returned from the A-8 yet, in this regard postal tracking report showing "Item Bagged" is at Flag - 'O'.</p> <p>For Orders</p> <p>Along with WPCCOAC - 2021/2005 (a dep. of case) & WA-482/23 a pending case with its separate note.</p> <p>DB</p> <p><u>Biswabhusan Nahak</u> 28-11-24</p> <p>Adj. to 02.12.24 Ref. in WA-482/2023</p> <p> 29/11</p> <p>M/S Pratul Kumar Mohapatra & his associates entered appearance for the A-3.</p> <p> 6.12.24</p>

IN THE HIGH COURT OF ORISSA

Case No. WA-1058/23

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
03	02.12.2024	<p>Mrs Bibhuti Bhusan Mishra & his associate entered appearance for R-9.</p> <p><u>Nahak</u> 6/12/24</p> <p style="text-align: right;"><u>Order No-03</u></p> <p>i) Further order on IA no-2741/23 is at #lag-'A' for condonation of delay.</p> <p>ii) Steps for service of notice/substitution of respondents No-2, 6 & 7 have not been taken by the add. standing counsel of the appellants yet.</p> <p>iii) Neither AD nor undelivered notice returned yet from the R-5 yet, in this regard postal tracking report showing "Item Delivered (Addressee)" is at #lag-'N'.</p> <p>iv) Neither AD nor undelivered notice returned from the R-8 yet, in this regard postal tracking report showing "Item Bagged" is at #lag-'O'.</p> <p style="text-align: right;">For Orders</p> <p style="text-align: right;">Along with WPC (OAC) - 2021/2005 (a disp. of case)</p> <p><u>Biswabhusan Nahak</u> 06-12-2024 <u>Basak</u> 7/12/24</p> <p style="text-align: right;">DB <u>Adj. to 10.12.2024</u> Ref in WA-614/2023</p>



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR	ODHC010392822023
Filing No	WA/0001058/2023
Date and Time	17/05/2023-12:55:42
Misc Case/IA	2741/2023,2742/2023
Petitioner Name	STATE OF ODISHA
Petitioner Advocate Name	HARMOHAN DHAL, A.G.A.
Respondents Name	DHARANIDHARA JENA
Respondents Advocate	
Amount	
Police Station	
FIR	



Wednesday 17th of May 2023 01:18:31 PM

STAMP REPORT

CASE NO. W.A. 1058/23

LIMITATION

Date of Judgement Awards 25-1-22
Date of Valid Presentation 17-5-23
Total Period Occupied 478 days
Limitation 30 days
Certified Copy Period - day
Delay in filing 448 days

1. In time Nil Expired on 24-2-22
2. Period of delay 448 days delay. g.A. for Condemnation of delay filed.
3. Court Fee of Rs. 121. paid
4. Authentication fee due on the
(a) Copy of Trial Court Judgement
Rs. x Decree Rs. x
(b) Appellate Court Judgement Rs. 31. paid
Decree Rs. x
5. (a) Copy of Trial Court Judgement/Order x
(b) Appellate Court/Revisional Order
Judgement x x x copy of c-copy of impugned order filed
(c) Second Copy Petition filed
(d) Receipt showing copy on A.G. x
(e) Vakalatnama properly stamped,
Executed and accepted merca papers are 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

11/5/23
STAMP REPORTER
B.B. SARANGI
ADVL. STAMP REPORTER

mob-9937077427

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/ RCFA/ L.A.A./RCSA/RE Rev/MAC/MAC APP/EL Pet/ ELAPP/Arb, P/Arb. A/Arb. A/Insurance Ref/Cont. Cas(c)/Coutd. 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 (crl) CUSREF STREV

Case Type W.A. No. 1058 / 2023 Date of Regn. 16/5/23

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

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

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

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]

An Appeal under Article-4 of the O.H.C. orders 1948
read with Clause-10 of the Letter patent of the offe.

5. Section/Sub-Section Involved - NO.

6. Rules Involved - NO.

7. Whether any other matter is pending in this Court on the same point of law :
If so, give the number of matter : - NO.

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
- NO.

10. Point of law involved in the matter Challenging the Judgment
of order dated - 25/1/2022 passed in WPC, OAC/18-2021
of 2005 under Annexure-1.

Date - 16/5/23

Cuttack

Signature of the Advocate

HARMODHAN DHAL

E.No-0-558/1981

mob-9937077427

High Court of Orissa Acknowledgement



CNR : ODHC010392822023
Efiling No : AOD20220001895C202300168
Filing No. : WA/1058/2023 Date of Filing : 17-05-2023
Petitioner : STATE OF ODISHA Time of Filing : 12:32:11
Petitioners : HARMOHAN DHAL, A.G.A. Respondent : DHARANIDHARA
Advocate : JENA
Amount : 0.00



[Print](#)

IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 1058 of 2023
(Arising out of WPC (OAC) No.2021 of 2005,
Disposed of on 25.01.2022)

Code No.311900

State of Odisha & othersAppellants

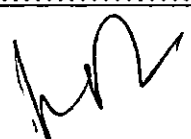
-Versus-

Dharanidhar Jena & othersRespondents

I N D E X

Sl. No.	Description of documents	Pages
1.	Synopsis	A
2.	Date Chart	B
3.	Writ Appeal	1-13
4.	<u>Annexure-1</u> Certified copy of the order dated 25.01.2022 passed in WPC (OAC) No.2021 of 2005	14-18 (R)

Cuttack
Date : 16.05.2023


(HARMOHAN DHAL)
ADDL. GOVERNMENT ADVOCATE
En. No.O-558/1981
Mob. No.9937077427

"A"

IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 1058 of 2023

State of Odisha & othersAppellants

-Versus-

Dharanidhar Jena & othersRespondents

SYNOPSIS ON BEHALF OF
THE APPELLANTS

The appellants have filed the aforesaid Writ Appeal challenging the judgment and order dated 25.01.2022 passed in WPC (OAC) No.2021 of 2005 by which the Hon'ble Single Judge has directed the appellants to extend all such benefits in favour of the writ petitioner in terms of the directions given by the Courts in the cases namely (i) Nityananda Biswal – Vrs.- State of Odisha & others and (ii) T.A. No.11 of 1993, disposed of on 21.10.1994 (Bhagaban Patnaik – Vrs.- State of Odisha).

Cuttack

Date : 16.05.2023


Addl. Government Advocate

"B"

IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 1058 of 2023

State of Odisha & others

.... Appellants

-Versus-

Gandhari Behera

.... Respondent

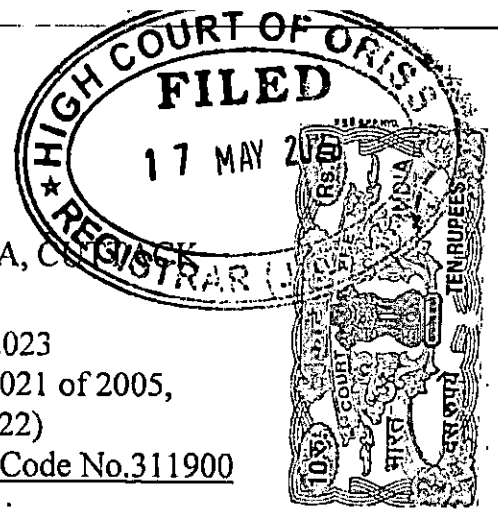
DATE CHART ON BEHALF OF
THE APPELLANTS

1. 02.02.1956,
28.12.1965,
29.12.1979,
16.02.1964,
04.02.1966,
20.08.1977,
05.11.1964,
21.03.1974,
07.12.1964 &
31.12.1973 : The Respondent Nos.1 to 10 initially entered
into service as Amin in the job contract
establishment.
2. 23.05.1985,
19.08.1977,
21.07.1999,
08.10.1996,
16.04.1990,
10.08.1977,
29.05.1991,
30.03.1998,
07.12.1998 &
24.11.1998 : The services of the Respondent Nos.1 to 10
were brought over to regular establishment.
3. 25.01.2022 : The impugned order was passed by this
Hon'ble Court.

Cuttack

Date : 16.05.2023


Addl. Government Advocate



IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 1058 of 2023
(Arising out of WPC (OAC) No.2021 of 2005,
Disposed of on 25.01.2022)

Code No.311900

In the matter of :

An appeal under Article-4 of the
Orissa High Court Orders, 1948
read with Clause-10 of the Letter
Patent of the Orissa High Court;
And

In the matter of :

Presented on. 17/5/2023
[Signature]
Registrar (Judicial)

An appeal challenging the judgment
and order dated 25.01.2022 passed
in WPC (OAC) No.2021 of 2005 by
the Hon'ble Single Judge;

And

In the matter of :

1. State of Odisha represented through
its Additional Chief Secretary to
Government, Revenue & Disaster
Management Department, Lokseva
Bhawan, Bhubaneswar, Dist.-
Khurda.
2. Director, Land Records & Surveys,
Odisha, Board of Revenue, Cuttack,
At/Po/Dist.-Cuttack.
3. Settlement Officer, Ganjam-
Koraput Major Settlement,
Berhampur, At/Po-Berhampur,
Dist.-Ganjam.

[Handwritten signature]
Aht

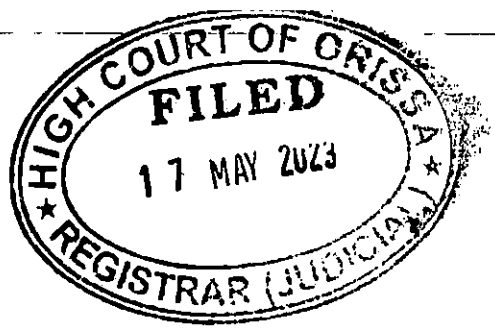
4. Charge Officer, Phulbani
Settlement, At/Po-Phulbani, Dist-
Kandhamal.

...APPELLANTS
(Opposite Party Nos.1 to 4
in the writ application)

-VERSUS-

1. Dharanidhara Jena
aged about 76 years
S/o. Artabandhu Jena
At/Po-Gadabalabhadrapur
Via-Kanas, Dist-Puri.
2. Sudam Behera
aged about 75 years,
S/o. Kela Behera
At-Hariharpur, Po-Mayorjhalia,
Via-Ranapur, Dist-Nayagarh
3. Shreedhar Guru
aged about 70 years
S/o. Agadhu Guru
At-Orakal, Po/P.S.-Pipili,
Dist.-Puri.
4. Maguni Sahu
aged about 75 years
S/o. Jagannath Sahoo
At/Po-Madhupur, Via-Kantilo,
Dist-Nayagarh

h2
AAH



5. Lochan Srichandan,
aged about 75 years
S/o. Udayanath Shrichandan
At- Orabarasingh, Po-Raipur,
Via-Satyabadi, Dist-Puri.

6. Iswar Chandra Malick
aged about 76 years
S/o. Abadhut Malick
At-Badriguda, Po-Dalapada,
Dist-Kandhamal.

7. Sadananda Pati
aged about 76 years
S/o. Anam Ch. Pati
At/Po- Karadi,
Via-Biranarasinghpur,
Dist-Boudh.

8. Jugal Kishora Panda
aged about 73 years
S/o. Purna Chandra Panda
At/Po-Butupali, Dist-Boudh

9. Druba Charan Dehuri
aged about 74 years
S/o. Chintamani Dehuri
At-Hata Gaon, Po-Karadi,
Dist.-Boudh

h2
Ant

10. Khedu Charan Jena
aged about 73 years
S/o. Debara Jena
At/Po-Jagati, Dist-Boudh.

...RESPONDENTS
(Petitioners in the writ application)

(The matter out of which this writ appeal arises
was before this Hon'ble Court in WPC (OAC)
No.2021 of 2005, disposed of on 25.01.2022)

To

The Hon'ble Chief Justice and His
Lordships companion justices of the High
Court of Orissa.

The humble memorandum of appeal of the
above named Appellants;

Most Respectfully Sheweth:

1. That the appellants challenge herewith the order
dated 25.01.2022 passed in WPC (OAC) No.2021 of
2005 by which the Hon'ble Single Judge has directed
the appellants to extend all such benefits in favour of
the writ petitioner in terms of the directions given by
the Courts in the cases namely (i) Nityananda Biswal –
Vrs.- State of Odisha & others and (ii) T.A. No.11 of
1993, disposed of on 21.10.1994 (Bhagaban Patnaik –
Vrs.- State of Odisha).

2. That the Respondent approached the Cuttack
Bench of the erstwhile Odisha Administrative Tribunal
by filing an application U/s.19 of the Administrative

Tribunals Act registered as O.A. No.2021(C) of 2005. It was prayed in the original application that entire period rendered by the writ petitioners in the job contract establishment be counted towards pension and pensionary benefits along with the period of service rendered by them in the regular establishment.

3. That the facts giving rise to file the aforesaid original application was that the respondent Nos.1 to 10 were initially appointed as Amin in the job contract establishment on 2.2.1956, 28.12.1965, 29.12.1979, 16.02.1964, 04.02.1966, 20.08.1977, 05.11.1964, 21.03.1974, 7.12.1964 & 31.12.1973. While continuing as such, the writ petitioners were brought over to regular establishment in the post of Estt. Amin on 23.05.1985, 19.08.1977, 21.07.1999, 08.10.1996, 16.04.1990, 10.08.1977, 29.05.1991, 30.03.1998, 07.12.1998 & 24.11.1998 and were promoted to the post of Inspector. It was stated that though the writ petitioners represented before the Appellant No.4 to count job contract period of service rendered by them towards qualifying service, but the same was denied. Apprehending that they will get minimum pension on the basis of period of service rendered in the regular establishment, they filed the aforesaid original application.

4. That the Odisha Administrative Tribunal came to be abolished in the month of February, 2019 for

which the original application filed by the Respondent Nos.1 to 10 was transferred to the file of this Hon'ble Court and was renumbered as WPC(OAC) No.2021 of 2005.

5. That the aforesaid writ application was taken up for hearing before this Hon'ble Court on 25.01.2022 and was disposed of vide order dated 25.01.2022 directing the appellants to extend all such benefits in favour of the writ petitioner in terms of the judgment about which it has been stated in the preceding paragraphs. The certified copy of the order dated 25.01.2022 passed in WPC (OAC) No.2021 of 2005 is filed herewith as Annexure-1.

Being aggrieved by the judgment and order dated 25.01.2022 passed in WPC (OAC) No.2021 of 2005 under Annexure-1 by the Hon'ble Single Judge, the appellants beg to prefer this Appeal on the following amongst other;

GROUNDS

W. K. K.

- (A) For that the impugned order under Annexure-1 is wrong, illegal, erroneous and has been passed in contravention of the provisions of OCS (Pension) Rules, 1992.
- (B) For that the Hon'ble Single Judge while passing the impugned order under Annexure-1 though

has noticed the judgment rendered by a Division bench of this Hon'ble Court in OJC No.2147 of 1991 decided on 24.3.1992, yet was completely oblivious of the directions contained therein. It was specifically held in O.J.C. No.2147 of 1991 (Settlement Class-IV Job Contract Employees Union, Balasore-Mayurbhanj District -Vrs.- State of Odisha & others) that for the purpose of calculating the pensionary benefits so much of their earlier service period shall be reckoned so as to make them eligible for pension. These directions contained in O.J.C. No.2147 of 1991 was completely lost sight of by the Hon'ble Single Judge while passing the impugned order. Therefore, the impugned order is vulnerable and is liable to be set aside.

- (C) For that much reliance has been placed by the Hon'ble Single Judge in the impugned judgment under Annexure-1 to the directions contained in the case of Nityananda Biswal and accordingly the impugned order has been passed placing reliance upon the same. Inasmuch as the Hon'ble Single Judge was of the view that the judgment in Nityananda Biswal's case having been upheld by the Apex Court, the same was the settled position of law and accordingly the impugned directions have been passed. True it is the judgment in Nityananda Biswal's case was

W. Raut

upheld by the Apex Court in Special Leave to Appeal (C) CC No.12573 of 2015. But nonetheless the SLP so filed by the State Government was dismissed at the stage of admission with the following orders :

“The Special Leave Petition is dismissed both on the ground of Limitation and merits.”

In view of the aforesaid judgment in Nityananda Biswal's case, the Hon'ble Single Judge while disposing of WPC(OAC) No.2021 of 2005 has placed reliance upon the same and has disposed of the writ application vide order dated 25.01.2022 with the directions as aforesaid.

As a matter of fact the Hon'ble Supreme Court in a very recent pronouncement in the case of State of Odisha & others -Vrs.- Sulekh Chandra Pradhan reported in AIR 2022 SC 2030 has held that mere dismissal of the Special Leave Petition would not mean that the view of the High Court has been approved by the Supreme Court. In such view of the matter, the Hon'ble Single Judge has clearly erred in law in placing reliance on the judgment in the case of Nityananda Biswal. Therefore, it is respectfully submitted that the dismissal of the special leave petition filed by the State Government would not

WJ
AUA

necessarily mean that the judgment rendered by this Hon'ble Court in W.P.(C) No.14244 of 2006 is the correct position of law. Be it stated that W.P.(C) No.14244 of 2006 was filed challenging the judgment of the learned Tribunal in O.A. No.3020(C) of 2003 (Nityananda Biswal) and the writ application having been dismissed on 9.4.2014, the Special Leave Petition as aforesaid was filed before the Apex Court which came to be dismissed by order dated 13.7.2015 which has been quoted hereinabove. But in view of the judgment of the Hon'ble Apex Court in Sulekha Pradhan's case, mere dismissal of the SLP filed by the State do not lay down that the view of the High Court has been approved by the Supreme Court. In such view of the matter, the impugned judgment is unsustainable and is liable to be set aside.

- (D) For that it is further respectfully submitted that while deciding W.P.(C) No.14244 of 2006, this Hon'ble Court has not taken note of the earlier judgment of this Hon'ble Court in O.J.C. No.2147 of 1991, decided on 24.3.1992 and this was so held by the another bench of this Hon'ble Court while deciding W.P.(C) No.11503 of 2003, decided on 7.2.2019. While disposing of W.P.(C) No.11503 of 2003, it was held

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"In our considered opinion, the earlier judgment which is well-reasoned, force the field as the subsequent decision in W.P.(C) No.14244 of 2006 has not referred to the same. Opposite parties will be given benefit only on the basis of the earlier division bench judgment in OJC No.2147 of 1991 decided on 24.3.1992 thereby the past period of service of the opposite parties which is required only to make them eligible for pension shall be taken into consideration."

In view of the above, the conclusion is inescapable that the decision of this Hon'ble Court in W.P.(C) No.14244 of 2006 is no more the good law and cannot be pressed into service as has been done by the Hon'ble Single Judge. Therefore, the Hon'ble Single Judge has completely erred in law in passing the impugned order and as such the same is liable to be set aside.

- (E) For that the impugned order under Annexure-1 has taken note of the order passed in T.A. No.11 of 1993 decided by the erstwhile Odisha Administrative Tribunal on 21.10.1994 (Bhagaban Patnaik -Vrs.- State of Odisha) the SLP filed thereunder by the State in SLP(C) No.13916 of 1995 also came to be dismissed on 17.7.1995. Therefore, reliance has also been placed on the same in the impugned judgment. This approach on the part of the Hon'ble Single

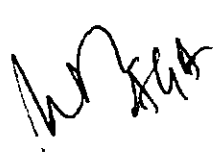
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Judge is equally erroneous inasmuch as the judgment rendered in T.A. No.11 of 1993 has taken into account the Odisha Pension Rules, 1977 and the employee retired from Government service on 31.8.1988. Therefore, the pensionary benefits due and admissible to the petitioner in T.A. No.11 of 1993 was governed under 1977 Rules. On the contrary the writ petitioners in the present case retired from Government service by which time 1977 Rules were repealed and OCS (Pension) Rules, 1992 was in place which came into force w.e.f. 1.4.1992. Therefore, the pension of the Respondent is to be governed 1992 Rules. The judgment in T.A. No.11 of 1993 having been decided under the repealed Rules, the same has no application to the facts of the present case. In such view of the matter, the Hon'ble Single Judge has completely erred in law in placing reliance upon the same which vitiates the impugned judgment.

- WZ*
Shit
- (F) For that the Hon'ble Single Judge has failed to take note of the statutory provision contained in Sub-rule (6) of Rule-18 of the OCS (Pension) Rules which was inserted to the Rules by virtue of an amendment w.e.f. 1.9.2001. Sub-rule (6) of Rule-18 of the Rules reads as follows:-

"18(6) Notwithstanding anything contained in Clauses (i) and (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 pension."

The aforesaid statutory provision has not at all been noticed by the Hon'ble Single Judge while passing the impugned order which is another facet of illegality. Be it stated that the impugned direction is contrary to the prevailing law and hence, the same is unsustainable.

-  (G) For that undisputedly the late husband of the petitioner was in receipt of the minimum pension. It is submitted that in view of the above, only that period of service which makes the late husband of the petitioner eligible for pension has been taken into account towards qualifying service so as to make him eligible for minimum pension. The residual service in the job contract establishment is not liable to be taken into account for the purpose of qualifying service and consequential grant of full pension.

- (H) For that the impugned order is otherwise bad in law and is liable to be set aside.

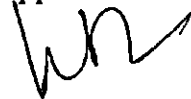
PRAYER

Under these circumstances the Appellants most humbly pray that this Hon'ble Court be graciously pleased to Admit this Appeal, Call for the Records and after hearing the parties be pleased to set aside the impugned order dated 25.01.2022 passed in WPC (OAC) No.2021 of 2005 under Annexure-1;

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

Cuttack
Date: 16.05.2023

By the Appellants through



Addl. Government Advocate

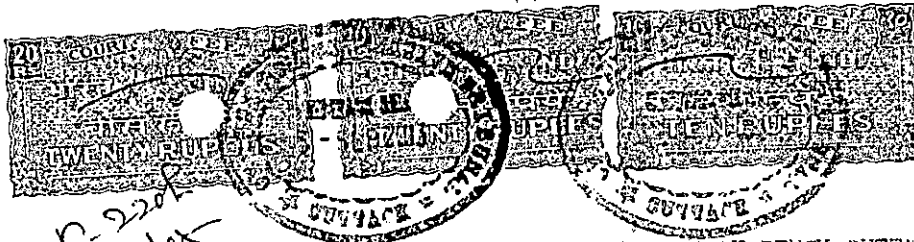
CERTIFICATE

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

Further certified that Cartridge papers are not available.



(HARMOHAN DHAL)
ADDL. GOVERNMENT ADVOCATE
En. No.O-558/1981
Mob. No.9937077427



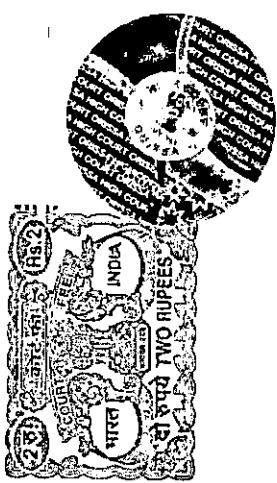
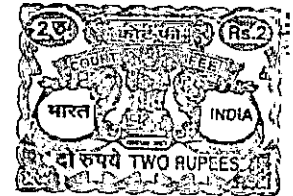
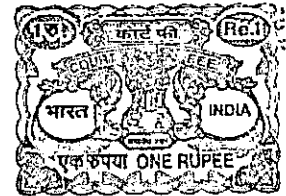
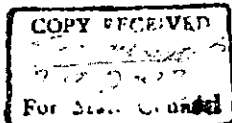
C.F-2208
24/10/05

STATE ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH, CUTTACK

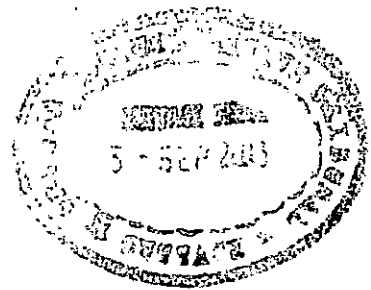
O.A. NO. 2021 (C)/2005.

Between:

1. Dhyanidhar Jena, aged about 58 yrs,
Son of Artbandhu Jena
At present working as Estt. Amin
Phulbani Settlement, Phulbani Dist-Kandhamal.
2. Sudam Behera, aged about 57 yrs,
Son of Kela Behera
At present working as Inspector
Phulbani Settlement, Phulbani
Dist- Kandhamal.
3. Shreedhar Guru, aged about 52 yrs,
Son of Agadhuguru
At present working as Munsarim
Phulbani Settlement, Phulbani, Dist-Kandhamal.
4. Naguni Sahoo, aged about 57 yrs,
Son of Jaganath Sahoo
At present working as Estt. Amin
Phulbani Settlement Phulbani
Dist- Kandhamal.
5. Lochan Shrichandan, aged about 57 yrs,
Son of Udayanath Shrechandan
At present working as Munsarim
Phulbani Settlement Phulbani
Dist- Kandhamal.
6. Isar Ch. Malick, aged about 58 yrs,
Son of Abadhut Malick
At present working as Inspector
Phulbani Settlement, Phulbani
Dist- Kandhamal.
7. Sadananda Pati, aged about 58 yrs,
Son of Anam Ch. Pati
At present working as Estt. Amin
Phulbani Settlement, Phulbani
Dist- Kandhamal.
8. Jugal Kishor Panda, aged about 55 yrs,
Son of Prana Chandra Panda
At present working as Estt. Amin
Phulbani Settlement Phulbani, Dist-Kandhamal.



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- 2 -

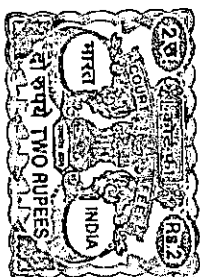
9. Dhruba Charan Dehuri, aged about 56 yrs,
Son of Chintamani Dehuri
At present working as Estt. Amin
Phulbani Settlement Phulabi, Dist- Kandhamal.
10. Khedu Charan Jena, aged about 55 yrs,
Son of Debara Jena
At present working as Estt. Amin
Phulbani Settlement Phulbani
Dist- Kandhamal.

.. Applicants

-Versus-

1. State of Orissa, represented through its Secretary
to Govt. of Orissa, Revenue Department
Orissa Secretariat Bhubaneswar, Dist- Khurda.
2. Director, Land Records and Survey
Orissa, Board of Revenue, Cuttack.
3. Settlement Officer,
Ganjam-Koraput Major Settlement
Berhampur, At/Po- Berhampur, Dist- Ganjam.
4. Charge Officer, Phulabni Settlement
At/Po- Phulbani, Dist- Kandhamal.

.. Respondents

Details of application

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2021 of 2005

Dharanidhar Jenu

.....

Petitioner

Mr.P.K. Mohapatra, Advocate

Vs.

State of Orissa

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.01.2022

Order No.

1

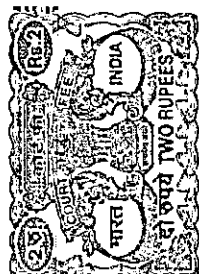
This matter is taken up through video conferencing mode.

2. Heard.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to count his past service rendered in the Job-Contract Establishment for the purpose of pension and pensionary benefit within a stipulated period.

4. Mr. Mohapatra, 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.

5. 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



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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 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) 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.

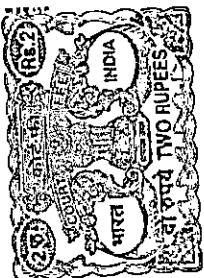
6. In view of the above settled position of law, nothing remains to be reconsidered by this Court. Accordingly the opposite parties are directed to extend all such benefits in favour of the petitioner in terms of the directions given by the Courts as mentioned above, as expeditiously as possible, preferably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

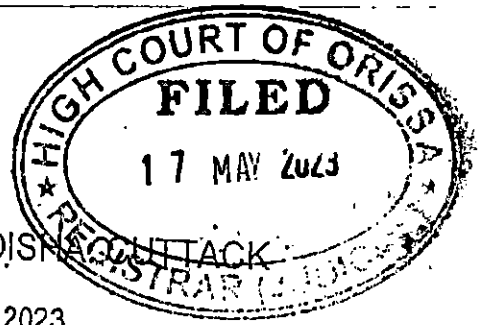
7. With the above observation/direction, the writ petition stands disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's Notice No. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

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

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Sundhar
2/1/23





IN THE HIGH COURT OF ODISHA, CUTTACK

WA No. 1058 OF 2023.

State of Orissa & Ors

Appellant/Petitioners

-Versus-


Dharamidhar Jena & others, Respondent/Opp. Parties

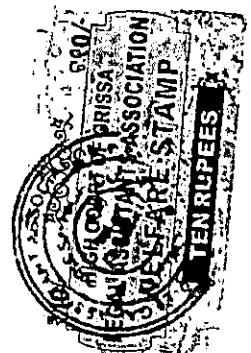
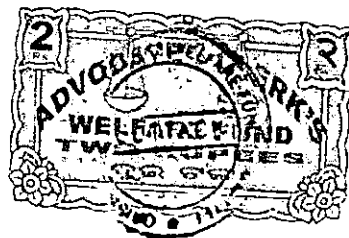
APPEARANCE MEMO

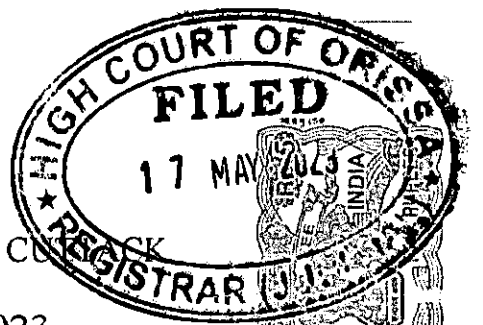
I hereby enter appearance in the above noted case on behalf of
the petitioners/Appellant.

CUTTACK

Dt. 16/5/2023.


Addl. Govt. Advocate/
~~Addl. Standing Counsel~~





IN THE HIGH COURT OF ORISSA, CUTTACK

I.A. No. 2741 of 2023

(Arising of W.A. No. 1058 of 2023)

In the matter of :

An application U/s.5 of the
Limitation Act;

And

In the matter of :

State of Odisha & Ors.

...Appellants/Petitioners

-Versus-

Dharanidhar Jena & others

...Respondents/Opposite Parties

To

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

The humble petition of the
appellants/petitioners named above;

Most Respectfully Sheweth:-

1. That the appellants/petitioners have filed the
accompanying writ Appeal challenging the judgment
and order dated 25.01.2022 passed in WPC (OAC)
No.2021 of 2005 under Annexure-1.

2. That the averments made in the writ appeal may
form a part of this application.


B. MISHRA
NOTARY, CUTTACK
ODISHA

That the impugned order having been passed on 25.01.2022, the appeal ought to have been filed on or before 24.02.2022. It is respectfully submitted that on receipt of the order under Annexure-1, the Government in Revenue & Disaster Management Department moved the Law Department seeking their views. The Law Department have decided to file Writ Appeal challenging the order under Annexure-1 and accordingly communicated their views to the Revenue & Disaster Management Department to file Writ Appeal. Accordingly, the Government in Revenue & Disaster Management Department vide Letter dated 12.7.2022 authorized the Director, Land Records & Surveys, Board of Revenue, Odisha for filing writ appeal in consultation with the office of the Advocate General, Odisha. The Additional Director, LR&S submitted the proposal along with all the records in the office of the Advocate General for filing writ appeal which was received on 3.8.2022. The learned Advocate General entrusted the file to the Law Officer on 31.10.2022.


B. MISHRA
NOTARY, CUTTACK
ODISHA

4. That on receipt of the file, the Addl. Government Advocate intimated the concerned officers for discussion for preparing the writ appeal and accordingly, the concerned officers had discussed with the undersigned. The undersigned having discussed the matter, prepared a draft writ appeal which was sent for vetting and thereafter, the writ appeal was finalized and accordingly, the same is being filed.

5. That the delay caused in filing the writ appeal was neither intentional nor deliberate but due to unavoidable circumstances beyond the reasonable control of the appellants/petitioners.

6. That unless the delay caused in filing the writ appeal is condoned, the appellants/petitioners will be highly prejudiced.

PRAYER

Under these circumstances, the appellants/petitioners most humbly prays that this Hon'ble Court may graciously be pleased to condone the delay caused in filing the Writ Appeal on any terms and conditions as may be deemed fit and proper;


B. MISHRA
NOTARY, CUTTACK
OBISHA

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

By the appellants/Petitioners through
Cuttack
Date : 16.05.2023

Addl. Government Advocate

AFFIDAVIT

I, Bikash Chandra Mohapatra, aged about 59
years, S/o. Satyananda Jena, presently working as
Director, Land Records, Survey & Consolidation,
Odisha, Board of Revenue Building, At/P.O.-
Chandinichowk, Town/Dist.-Cuttack, do hereby
solemnly affirm and state as follows:-

1. That I am the Appellant/Petitioner No.2 in
the aforesaid case and I have been duly
authorized by the other Appellants/
Petitioners to swear this Affidavit on their
behalf.
2. That the facts stated above are true to the
best of my knowledge and based on
records.

Identified by

Dilip K. Behena,
Advocate's Clerk, A.G.'s Office

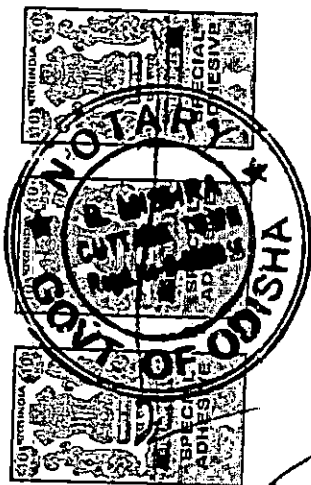
DEPONENT DIRECTOR
LAND RECORDS AND SURVEY'S
BOARD OF REVENUE, ODISHA, CUTTACK

CERTIFICATE

Certified that Cartridge papers are not available.

Solemnly Sworn before me by.....
being identified by..... Advocate's Clerk (A.G.'s Office)
at Cuttack dated..... 16/05/2023
Addl. Government Advocate

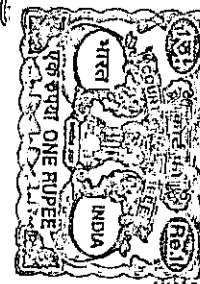
B. MISHRA
NOTARY, CUTTACK
ODISHA



IN THE HIGH COURT OF ORISSA, CUTTACK

I.A. No. 2742 of 2023

(Arising out of W.A. No. 1058 of 2023)



In the matter of :

An application for stay under Rule
27(a) of Chapter- VI of the Orissa
High Court Rules;

And

In the matter of :

State of Odisha & Ors.

...Appellants/Petitioners

-Versus-

Dharanidhar Jena & others

...Respondents/Opposite Parties

To

The Hon'ble Chief Justice and His
Lordships companion justices of the
Hon'ble High Court of Orissa.

The humble petition of the above
named Appellants/petitioners;

Most Respectfully Sheweth:

1. That the Appellants/petitioners have filed the
accompanying writ Appeal challenging the judgment
and order dated 25.01.2022 passed in WPC (OAC)
No.2021 of 2005 under Annexure-1.

B. MISHRA
NOTARY, CUTTACK
ODISHA

2. That the averments made in the Writ Appeal may form a part of this application.

3. That the Appellants/petitioners have a prima-facie case to succeed and the balance of convenience lies in favour of the Appellants/Petitioners.

4. That unless operation of the order under Annexure-1 dated 25.01.2022 is stayed, the appellants/petitioners will sustain irreparable loss and injury.

PRAYER

Under these circumstances, the appellants/petitioners most humbly pray that this Hon'ble Court be graciously pleased to stay operation of the order under Annexure-1 dated 25.01.2022 passed in WPC (OAC) No.2021 of 2005 pending disposal of the accompanying writ appeal;

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

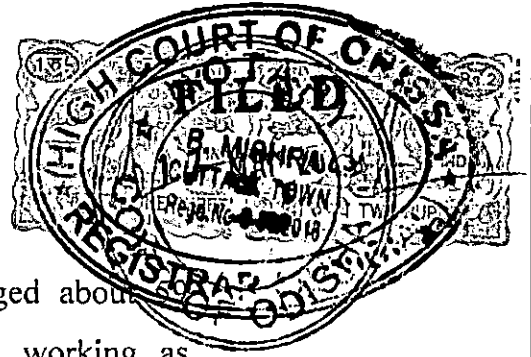
By the appellants/petitioners through

Cuttack
Date : 16.05.2023

Addl. Government Advocate

B. MISHRA
NOTARY, CUTTACK
ODISHA

AFFIDAVIT



I, Bikash Chandra Mohapatra, aged about _____ years, S/o. Satyananda Jena, presently working as Director, Land Records, Survey & Consolidation, Odisha, Board of Revenue Building, At/P.O.- Chandinichowk, Town/Dist.-Cuttack, do hereby solemnly affirm and state as follows:-

1. That I am the Appellant/Petitioner No.2 in the aforesaid case and I have been duly authorized by the other Appellants/ Petitioners to swear this Affidavit on their behalf.
2. That the facts stated above are true to the best of my knowledge and based on records.

Identified by

Dilip Kumar Behere

Advocate's Clerk, A.G.'s Office

Bikash Ch Mohapatra

DEPONENT

**DIRECTOR
LAND RECORDS AND SURVEY'S
BOARD OF REVENUE, ODISHA, CUTTACK**

CERTIFICATE

Certified that Cartridge papers are not available

W
Addl. Government Advocate



Solemnly Sworn before me by *Bikash Ch Mohapatra*
being identified by *D.K. Behere* Advocate's Clerk (A.G. Office)
at Cuttack dated *16/05/2023*

B. Mishra
**B. MISHRA
NOTARY, CUTTACK
ODISHA**

SCANNED

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

Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 132009/2024

Date Of Receiving : 23/10/2024

Time : 01:14:22 PM

Filing No : D- WA 1058/2023

Case No : WA 1058/2023

Received From : Petitioner

Filed By: ADDL.STANDING COUNSEL

Document(s) Filed :

1- REQUISITE FOR OPS --- (Misc Case No- 2741/2023) --- Postal Fee -Rs.400

IN THE HIGH COURT OF ORISSA: CUTTACK

W. A No. 1058 of 2023

State of Orissa & Ors Appellants

-Versus-

Dharanidhar Jena & Anr Respondents

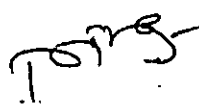
MEMO

Postage stamp of Rupees 400/-(Rupees Four Hundred) 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 with AD.

Cuttack

Date- 23.10.2024

MOB NO: 9237183713


ASC
For the Appellant



3

③ Shreedhara Yone.

S/o - Agadhu Yone

At - Orakal

PO/PS - P.P.C.

Dist - Pune



WA No. 1158/2023

858170

प्र.प्र./SPP/HYD - 2023 पोस्ट कार्ड POST CARD

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आज़ादी का
अमृत महोत्सव



Superintendent
WA Section
ORISSA HIGh camp
Dhauk-2

पिन PIN

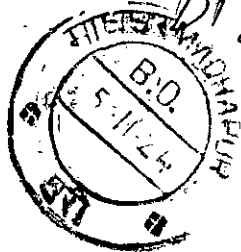
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(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

Sridhar Gera

④

To
 @ Maguni Sahu.
 S/o - Jagannath Sahoo
 At/Po - Madhupur
 wa - Kantilo
 Dist - Nayagarh



१॥ श्री गुरुभ्यो नमः ॥

WA No. 1058/2023

8808

प्र.पू./SPP/HYD - 2023 पोस्ट कार्ड POST CARD

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आज़ादी का
अमृत महोत्सव



Superintendent
WA Section
Orissa High court
cuttack 2

पिन PIN

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(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

To

Q. Drueba Chandra Dehuri.
S/o - Chintamani
At - Hatopara, Dehuri
Po - Karadi
Dist - Boudha.

୧୫୭୭୭୭୭/୦୭୭୭୭୭

WA No. 1058/2023



प्र.पु./SPPI/HYD - 2023 पोस्ट कार्ड POST CARD

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आज़ादी का
अमृत महोत्सव



Superintendent

WA Section

ORISSA HIGHER COURT
CUTTACK-2

पिन PIN

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(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

SCANNED

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

4

Seat No : 7

Branch No : WRIT APPEAL

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Date Of Receiving : 13/11/2024

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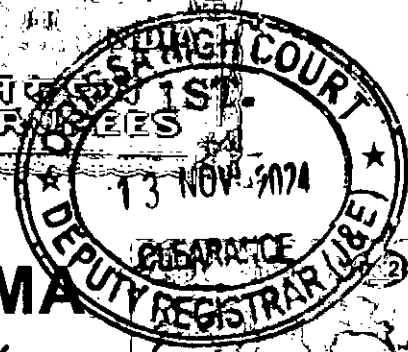
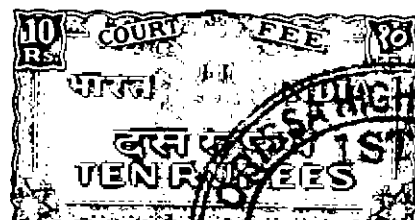
Case No : WA/1058/2023

Received From : Respondent (1)

Filed By: M/S PRAFULLA KUMAR MOHAPATRA

Document(s) Filed :

2- Vakalatnama --- Court Fee -Rs.12 (33410/2024)



FORM OF VAKALATNAMA

IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. NO. 1058 2023

State of Orissa & others Petitioner (s) 33410

- VERSUS -

Dharanidhar Jena & others Opp. Party (ies)

Know all men by these presents, that by this Vakalatnama

I/We Dharanidhar Jena, S/O Aratabandhu Jena, At/po Gadabalabhadrapur, via Kanar DUF-puri (RESP. 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, Mob: 9777492518,

At : Darji Sahi, P.O.- Chandinichowk, Dist. : Cuttack-753002 Advocate (s) to appear for me/us, in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order 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 in appeals under Orissa High Court order and in applications for leave to appeal to Supreme Court. I/We authorise my/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated, the 12-11-2024

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

Advocate

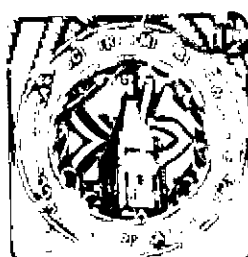
Accepted as above

Advocate

Accepted as above

Advocate

Accepted as above



Signature of Executants

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

Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 141866/2024

Date Of Receiving : 18/11/2024

Time : 11:15:00 AM

Filing No : WA/1058/2023

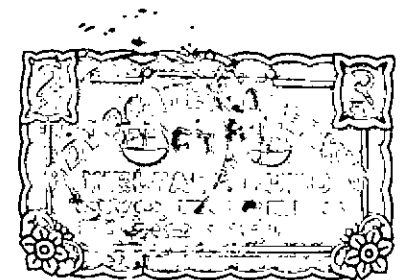
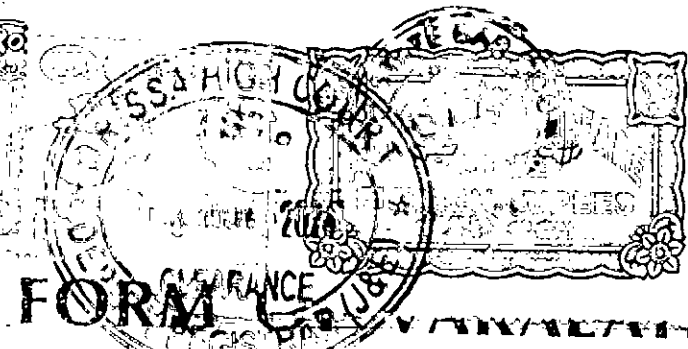
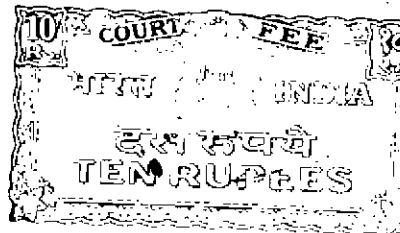
Case No : WA/1058/2023

Received From : Respondent

Filed By: M/S TIKERAM MEHER

Document(s) Filed :

3- Vakalatnama --- (Misc Case No- 2741/2023) --- Court Fee -Rs.12 (33690/2024)



92690

IN THE HIGH COURT OF ORISSA, CUTTACK

Out of W.A. No. 1058 I.A No. 2741/2023 Arising
Between State of Odisha of 20 23

Appellant / Petitioner
Versus
Dharanidhar Jena and others Respondent / Opp. Party.

know all men by these presents that by this Vakalatnama
I/we Khede Charan Jena aged about 76 yrs
80 Debaraj Jena M/o. Jagati Dist.
Boudh.

Appellant / Respondent Petitioner / opposite Party in the aforesaid Revision / Appeal case do hereby appoint and retain Sri TIKERAM MEHER, ASHOK-KUMAR PARIDA and RAJESH KUMAR MEHER
Advocate is to appear for me/us, in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same, or any decree or order passed there in including all application for return of documents or receipt of any moneys that may be payable to me/us in the said case and also in applications for leave to appeal to supreme court. I/We authorise my / our Advocate (s) to admit any compromise lawfully entered in the said case,

Dated 18th NOV, 20 24
Received from the Executant (s)
satisfied and accepted as I hold
No brief for the other side.

Advocate 2006
0-641-1988
M-9938140772.

Advocate
R.K. Meher
Accepted as above
0-429/2006
9438432275
0-236/2014
Advocate 8249268456



Khede Charana Jena

SIGNATURE OF EXECUTANTS

SCANNED

3

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ACKNOWLEDGEMENT SLIP**

Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 142864/2024

Date Of Receiving : 19/11/2024

Time : 01:31:15 PM

Filing No : WA/1058/2023

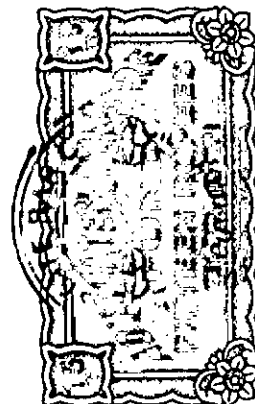
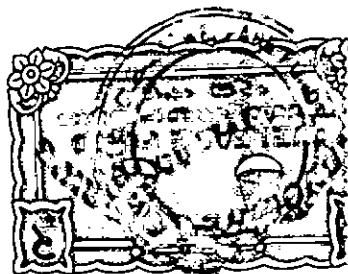
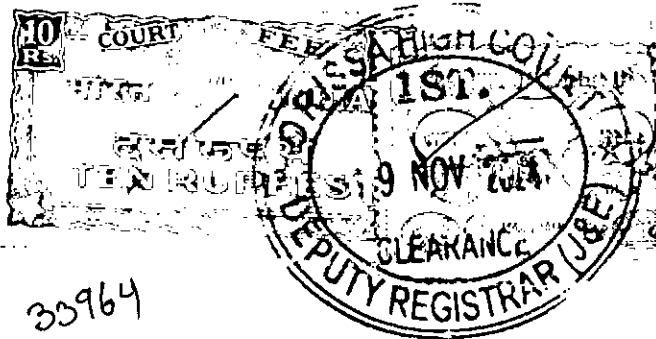
Case No : WA/1058/2023

Received From : Respondent (1)

Filed By: M/S PRAFULLA KUMAR MOHAPATRA

Document(s) Filed :

4- Vakalatnama --- Court Fee -Rs.12 (33964/2024)



33964

FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

WA. / No. 1058 of 20.23

State & others
-VERSUS-

Petitioner(s)

Dharanidhar Jena & others Opp. Party(ies)

Know all men by these presents, that by this Vakalatnama

I/We Dharanidhar Jena, aged about 73 years, late
Agadhu guru, At - Orakal, Bopri - Pipili,
Dist - PURI

(RESPONDENT-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 authorise 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

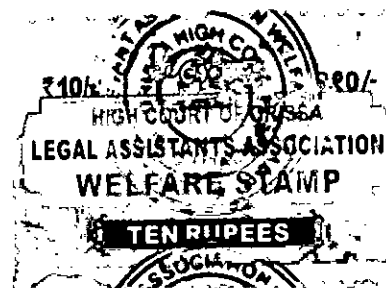
Accepted as above

Advocate

Accepted as above

Advocate

Accepted as above



Signature of Executant

Signature of Executant

16:

②

Sudam Behera.
S/o - Kela Behera.
At - Hariharpur.
Po - Mayan Shali'a.
Vra - Ranapur.
Dist - Nayagarh.

WA. No. 1058/2023

प्र.प्र./SPP/HYD - 2023 पोस्ट कार्ड POST CARD

75
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अमृत महोत्सव



Superintendent
WA. Section
Orissa High Court
Cuttack-2

पिन PIN

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(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

Notice on Limitation by R.P. with AD

[O. H. C.-152]



IN THE HIGH COURT OF ORISSA

(Civil Appellate Jurisdiction)

W.A. No. 1058 of 20 23

State of odisha & ons.

Applicant

Versus

Dharamdharra Jena & ons.

Opposite-Party

In the matter of an application by the above named

State of odisha & ons.

Petitioner

To

① Sudam Behera. S/o- Kele Behera,
At - Harihanpur, Po- mayanthalia,
Via- Ranapur, Dist- Nayagarh.

Take notice that an application, a copy whereof is annexed herewith, has been made to this Court by the above named petitioner and you are hereby directed to show cause on 19.11.24 why the application should not be granted or such other order be passed as this the Hon'ble Court may deem fit.

ତୁମକୁ ଏତଦ୍ୱାରା ନୋଟିସ୍ ଦିଆଯାଇଅଛି ଯେ, ଉଲ୍ଲିଖିତ ଦରଖାସ୍ତକାରୀ ଏହି ଅଦାଲତରେ ଯେଉଁ ଦରଖାସ୍ତ କରିଅଛନ୍ତି, ତହିଁର ନକଲ ଏଥିପାଇଁ ସାମିଲ ଅଛି ।

ତୁମେ ୧୯.୧୧.୨୪ ରେ କାରଣ ଦର୍ଶାଇବ, କାହିଁକି ସେହି ଦରଖାସ୍ତ ମଞ୍ଜୁର ନ ହେବ କିମ୍ବା ମହାମାନ୍ୟ ଅଦାଲତ ଯେପରି ଉପଯୁକ୍ତ ବିବେଚନା କରନ୍ତି ସେହିପରି ତୁମ୍ଭ ମ ନ ହେବ ।

His case stands adj. to 25.11.24.

High Court

By order of the Court

The 26.10.24 20

Superintendent



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Track Consignment

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* Indicates a required field.

* Consignment Number

RO177880975IN

Track More

Destination Pincode

752020

Article Type

Registered Letter

Delivery Location

Raipur B.O

Delivery Confirmed On

04/11/2024 15:15:30

Event Details For : RO177880975IN

Current Status : Item Delivered(Addressee)

Date	Time	Office
04/11/2024	15:15:30	Raipur B.O
02/11/2024	11:23:10	Jankia S.O
02/11/2024	11:23:10	Jankia S.O
02/11/2024	11:23:10	Jankia S.O
02/11/2024	10:20:46	Jankia S.O
02/11/2024	04:52:58	Khurda Road RMS L2R
02/11/2024	01:36:53	Khurda Road RMS L2R
01/11/2024	22:21:32	Khurda Road RMS L2R
01/11/2024	19:29:47	Puri RMS L2R
01/11/2024	18:35:06	Puri RMS L2R
01/11/2024	15:53:00	Sakhigopal S.O
01/11/2024	15:50:46	Sakhigopal S.O
01/11/2024	15:21:38	Pichikuli S.O
01/11/2024	13:33:34	Sakhigopal S.O
01/11/2024	11:35:38	Sakhigopal S.O
30/10/2024	19:36:35	Puri RMS L2R

Event

Item Delivered(Addressee)

Item Bagged

Dispatched to BO

Item Dispatched

Item Received

Item Dispatched

Item Bagged

Item Received

Item Bagged

Item Received

Item Dispatched

Item Bagged

Item Dispatched

Item Redirected to Jankia S.O Insufficient Address

Item Received

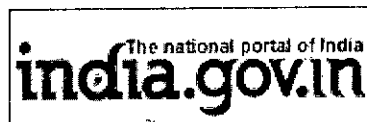
Item Bagged

30/10/2024	08:54:39	Puri RMS L2R	Item Received
29/10/2024	13:44:41	Cuttack CRC L1R	Item Dispatched
29/10/2024	12:20:40	Cuttack CRC L1R	Item Bagged
29/10/2024	07:48:46	Cuttack CRC L1R	Item Received

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Track Consignment

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* Indicates a required field.

* Consignment Number

RO177880935IN

Track More

Article Type

Registered Letter

Event Details For : RO177880935IN

Current Status : Item Bagged

Date	Time	Office	Event
01/11/2024	15:31:38	Boudhraj S.O	Item Bagged
01/11/2024	15:31:38	Boudhraj S.O	Dispatched to BO
01/11/2024	15:31:38	Boudhraj S.O	Item Dispatched
01/11/2024	10:31:44	Boudhraj S.O	Item Received
30/10/2024	13:44:02	Berhampur RMS L1R	Item Dispatched
30/10/2024	13:37:46	Berhampur RMS L1R	Item Bagged
30/10/2024	11:06:34	Berhampur RMS L1R	Item Received
29/10/2024	12:46:55	Cuttack CRC L1R	Item Dispatched
29/10/2024	12:38:37	Cuttack CRC L1R	Item Bagged
29/10/2024	07:48:46	Cuttack CRC L1R	Item Received

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WA No. 1058/2023

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To

⑦

Sadananda pati.

S/o - Anam Ch. pati.

At/Po - Kaccali.

Via - Bikanarsinghpur

DIST - Boudh.

To

⑥ Iswan Chandra Malik.

S/o - Abadheet Malik.

At - Badriguda.

PO - Dalapala.

DIST - Kanchamal

WA No. 1058/2023



प्र.मु./SPP/HYD - 2023 पोस्ट कार्ड POST CARD

75
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अमृत महोत्सव



Superintendent
WA Section
Orissa High Court
Cuttack-2

पिन PIN

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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 614 of 2023

State of Odisha and another

....

Appellants

Mr. K.C. Kar, Government Advocate

-versus-

Balakrishna Sahoo and others

....

Respondents

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

CORAM:

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

ORDER

26.11.2024

Order No.

04.

I.A. No.1565 of 2023 and W.A. No.614 of 2023

This matter is taken up through Hybrid mode.

2. Mr. P.K. Mohapatra, learned counsel appearing on behalf of respondent No.1 submits that this matter is covered by a decision of this Court passed in W.A. No.1134 of 2023, but the same has been challenged by the State of Odisha before the Supreme Court in SLP (C) No.2146 of 2021 and batch where the matters have been heard on 19.11.2024 and the judgment has been reserved. He has produced the order dated 19.11.2024 of the Supreme Court along with a memo as well as the decision of this Court passed in W.A. No. 1134 of 2023.

3. List this matter on 10.12.2024.

**(Chakradhari Sharan Singh)
Chief Justice**

**(Savitri Ratho)
Judge**

Signature Not Verified

Digitally Signed
Signed by: SUMANTA BEHERA
Designation: Senior Stenographer
Reason: Authentication

?

S. Rekha/A Nanda

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ORISSA HIGH COURT,CUTTACK
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Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 147659/2024

Date Of Receiving : 03/12/2024

Time : 12:42:17 PM

Filing No : WA/1058/2023

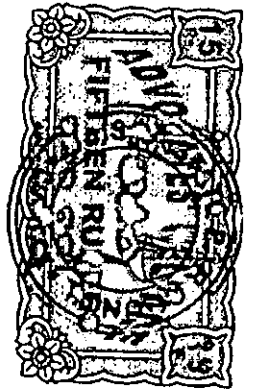
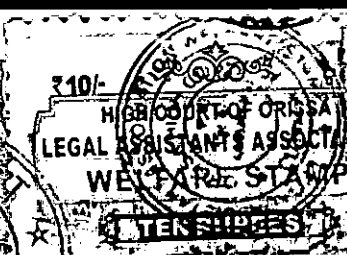
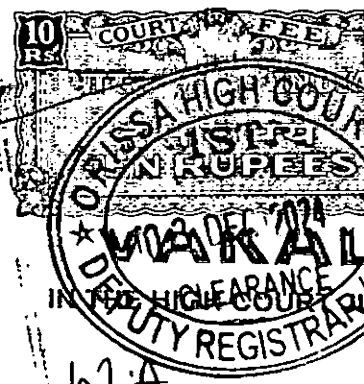
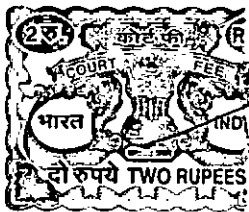
Case No : WA/1058/2023

Received From : Respondent (9)

Filed By: M/S BIBHUTI BHUSAN MISHRA

Document(s) Filed :

6- Vakalatnama --- Court Fee -Rs.12 (35681/2024)



35281

Between

State of Odisha & others

Appellant /

VERSUS

Dhananidhar Jena & others

Respondent / Opp. Party

Know all men by these present, that by this Vakalatnama

we Dhruba Charan Dehuri, &/- Chintamani Dehuri
At - Hata Gaon, po - Kanadi, Dist - Boudh
(Opp. party No - 9)

Appellant / Respondent / Petitioner / Opposite Party in the aforesaid Revision / Appeal case do hereby appoint and retain SRI BIBHUTI BHUSAN MISHRA, PLE NO - 0-488/1994
GYANARANTAN NAYAK PLE NO - 0-864/19 Mob - 9437273118 Advocate(s) to appear for me/us, in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same, or any decree or order 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 & also in applications for review, appeals under Orissa High Court. Order & in applications for leave to appeal to Supreme Court. I/We authorise my/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated, the 23rd Dec 2024

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

Signature of Executant(s)

Advocate

Accepted as above

Advocate

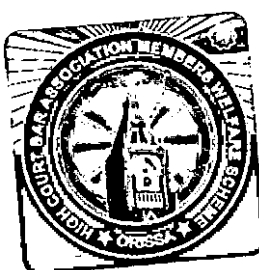
Accepted as above

Advocate

Accepted as above

Advocate

Accepted as above



SCANNED

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ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 147152/2024

Date Of Receiving : 02/12/2024

Time : 12:24:26 PM

Filing No : WA/1058/2023

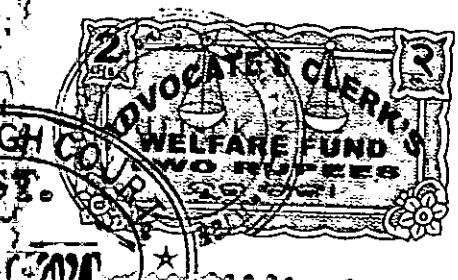
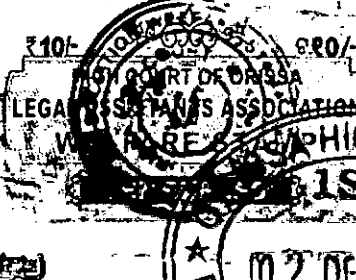
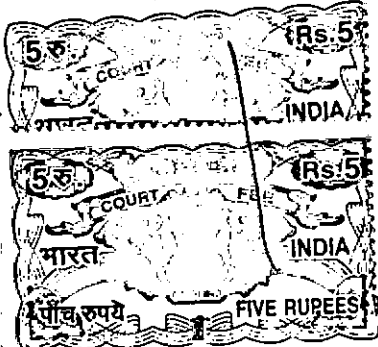
Case No : WA/1058/2023

Received From : Respondent (3)

Filed By: M/S PRAFULLA KUMAR MOHAPATRA

Document(s) Filed :

5- Vakalatnama --- (Misc Case No- 2741/2023) --- Court Fee -Rs.12 (35473/2024)



35473

VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE, ODISHA, CUTTACK

Appeal

I.A. NO. 2741/2023. Arising out of W.A. No. 1058 of 2023

State of Odisha & others

Plaintiff / Petitioner
Appellant

Revision Between

Versus

Dharanidhar Jena & others

Defendant / Opp. Party
Respondent / Accused

Know all men by these presents, that by this Vakalatnama

I/We Sridhar Gurus, aged about 72 years
810 Late Agadhar Gurus At. Orakal,
Police Post 12, Dist. Puri

(RESPONDENT 3)
Plaintiff / Defendant / Appellant /

Respondent / Petitioner / Opposite Party in the aforesaid Revision / Appeal / Case do hereby appoint and retain Sri Prabulla Kumar Mohapatra, EN. No. 0-141/1990, M. 943706745,
Kabisurya Balabantaray, EN. No. 0-574/2007, M. 9853523552
SRIKANTA KUMAR NATH EN. No. 0-502/1999, M. 98610739526
SAUBHABYA CHANDRA SAHOO EN. 0-470/2007, M. 9777492518

Advocate (s) to appear for me / us in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any degree or order passed therein including all applications for return of documents or receipt of any me / us in the said case and also in applications for review in appeals under Odi for leave to appeal to Supreme Court. I/ We authorize the Advocate (s) to enter in the said case.

Dated, the 2/12/2024

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

Sridhar Gurus

SIGNATURE OF THE EXECUTANTS