

(2022) 04 OHC CK 0089
In the Orissa High Court
Case No : Writ Petition (C) No. 8974 of 2022

Jitendriya Satapathy

APPELLANT

Vs

State of Odisha and Ors

RESPONDENT

Date of Decision : 13-04-2022

Acts Referred:

Orissa Aided Educational Institutions? Employees? Retirement Benefit Rules, 1981 — Rule 3

Citation : (2022) 04 OHC CK 0089

Hon'ble Judges : S.K. Panigrahi, J

Bench : Single Bench

Advocate : Pradipta Kumar Pattanayak, Biswajit Mohanty

Judgement

S.K. Panigrahi, J

W.P.(C) Nos.8974, 8975, 8976, 8978 and 8979 of 2022

1. These matters are taken up through hybrid arrangement.
2. Heard.
3. In these writ petitions, the petitioners have challenged the arbitrary action of the opposite parties in not sanctioning and releasing their pension, even though they are entitled to the same as per Rule-3 of the Orissa Aided Educational Institutions' Employees' Retirement Benefit Rules, 1981 (hereinafter referred to as "the Rules" for brevity), which has been reiterated in the case of Sarat Chandra Parida -vrs.- State of Odisha and Ors. Vol.120 (2015) CLT-813 by this Court. The said case travelled up to the Hon'ble Supreme Court by way of filling a SLP by the State and the same was dismissed on the ground of delay.
4. Learned counsel for the petitioners submits that the petitioners had joined as teaching staff in different schools of different districts in the State. He further submits that as per Rule-3 of the Rules, the petitioner is entitled to get the pension, which reads as follows:

"Application of the Rules- These rules shall apply to the teaching and non-teaching staff of all recognized non-Government Colleges, High Schools, Senior Basic Schools and M.E. Schools which come under the direct payment system and all non-Government Primary Schools including Sanskrit Tols and Junior Basic Schools fully aided by Government in Education and Youth Services Department directly or through Panchayat Samitis constituted under the Odisha Panchayat Samiti Act, 1959 or through a Notified Area Council or Municipality constituted under the Odisha Municipal Act, 1950.

Provided that Government may, by general or special order as may be issued in that behalf, specify any other educational institution or category of institutions and the staff working therein to whom the rules shall apply."

5. In view of such facts and circumstances, notice needs to be issued to the opposite parties.

6. Hence, issue notice to the opposite parties.

7. Mr. Biswajit Mohanty, learned Standing Counsel for the Department of School and Mass Education waives of notice on behalf of the opposite parties. Required number of copies of each of the writ petitions be served on him by within three working days hence, who shall obtain instructions in the matter and file reply.

8. Since the similar matter i.e. W.P.(C) No.3924 of 2022 has been fixed for hearing on 18th of July, 2022, these matters be tagged to the same.

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