

(2014) 01 OHC CK 0018
In the Orissa High Court
Case No : W.P. (C) No. 22326 of 2013

State and Others	Vs	APPELLANT
Tapan Ku. Mallick		RESPONDENT

Date of Decision : 29-01-2014

Acts Referred:

Citation : (2014) 01 OHC CK 0018

Hon'ble Judges : Ratnakar Dash, J;M.M. Das, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard.
2. This writ application has been filed by the petitioners-State challenging the order dated 09.02.2012 passed in O.A. No. 1674 of 2007 by the learned State Administrative Tribunal, Bhubaneswar.
3. The case revolves round the question as to whether the amended Pension Rules, 2005 can be retrospectively made applicable to the case of the opposite party, who was appointed and governed under the unamended Pension Rules?
4. This Court, in the case of Shri Anand Dash and others v. State of Orissa and others in a batch of writ applications, has delivered the judgment on 24.04.2013, being, W.P. (C) No. 15433 of 2012 and other connected matters holding that the amended Pension Rules, 2005 cannot be made applicable to the persons, who acquired right under the unamended Rules. The aforesaid judgment was passed referring to a Constitution Bench - judgment of the Hon''ble Apex Court in the case of Chairman, Railway Board and others Vs. C.R. Rangadhamaiah and others, and in the case of State of Madhya Pradesh and Others Vs. Yogendra Shrivastava, .
5. Considering the law settled in the aforesaid decisions, we do not find any reason to interfere with the impugned order. Since the contempt proceeding has

been filed against the petitioners - State for implementing the impugned order and on the last occasion, we have also taken note of submission of the learned counsel for the petitioners - State and recorded that he sought for four weeks" time to comply with the order of the learned Tribunal and on that context, granted stay of contempt proceeding.

6. Hence, while dismissing the writ application, we direct the petitioners-State to comply with the direction of the learned Tribunal positively by the end of February, 2014, failing which the learned Tribunal shall proceed with C.P. (C) No. 191 of 2012, which is pending before it.

7. All pending Misc. cases stands disposed of.

8. Urgent certified copy of this order be granted as per rules.

9. A copy of this order will be furnished to the learned counsel for the State.