

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.4245 of 2022

Jaya Prakash Sahu.

....

Petitioner

Mr. Kunal Kumar Swain, Adv.

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. Biswajit Mohanty, SC
(for SME Deptt.)

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

16.02.2022

Order No.

01.

1. This matter is taken up through hybrid arrangement.

2. Heard.

3. The present petitioner who was initially appointed as a Contract Teacher prior to 01.01.2005 and whose services were regularized after 01.01.2005 has filed the present writ petition seeking a direction to the opposite parties to bring him under the coverage of Orissa Civil Services (Pension) Rules, 1992 and General Provident Fund (Orissa) Rules, 1938. Though the date of his engagement was prior to cutoff date i.e. 01.01.2005, but his services were regularized after 01.01.2005. Learned counsel for the petitioner relies upon the order of the Hon'ble Supreme Court passed in the case of **State of Punjab and others vs. Harbans Lal** (S.L.P.(C) No.18901 of 2011 disposed of on 30.07.2012). He further contends that similarly situated Contract Teachers, who were also appointed prior to 01.01.2005 on contract basis and whose services were regularized after 01.01.2005, they have been allowed to subscribe for G.P.F. under the General Provident Fund (Orissa) Rules, 1938. But unfortunately the same benefit has not

been extended to the petitioner. Hence, the petitioner is constrained to approach this Court for redressal of his grievance.

4. In such view of the matter, notice needs to be issued to the opposite parties.

5. Hence, issue notice.

6. Mr. Biswajit Mohanty, learned Standing Counsel for the Department of School and Mass Education waives of notice on behalf of the opposite party nos.1 to 3. Required number of copies of the writ petition be served on him within three working days hence, who shall obtain instructions in the matter.

7. List this matter on 9th of March, 2022.

(S.K. Panigrahi)
Judge

BJ

