

**W.P.(C) No.34862 of 2020**

02. 17.12.2020

This matter is taken up through Video Conferencing.

Heard Mr.K.Swain, learned counsel for the petitioners and learned Standing Counsel for School and Mass Education Department.

This writ petition involves the following prayer:

"Under the above circumstances, it is humbly prayed that the writ application be allowed;

And

- a) a writ of mandamus or an appropriate writ may be issued commanding the O.Ps. to allow the petitioners to avail the benefit of G.P.F. and pension under the Odisha Civil Services (Pension) Rules, 1992; and further a declaration may be made making them covered under the said Pension Rules of 1992 prior to its amendment in the year 2005 and to treat the petitioners as Sikshya Sahayak by taking into account the date of advertisement instead of 31.12.2004, as per the ratio decided in the case of **Union of India and others. Vrs. N.R. Parmar and Ors**, reported in **2012 (13) SCC 340** and **Harbans Lal V. the State of Punjab and Ors.**, (CWP No.2371 of 2010, decided on 31.08.2010) by the High Court of Punjab and Haryana, which has been upheld by the Hon'ble Supreme Court of India in SLP© NO.23578 of 2012 [SLP(C) No.18901 of 2011, disposed of on 30.07.2012 (**State of Punjab and Ors. Vrs. Harbans Lal**) and also taking into account in the case of **Jeewan Lata Vs. State of Punjab and Ors. (CWP No.10238 of 2017 (O&M), decided on 10.05.2019)**, with all consequential benefits.

And

- b) Any other order/orders or direction/directions be issued so as to give complete relief to the petitioner;

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

For the nature of relief sought for and for pendency of the representation at the instance of the petitioners, vide Annexure-3 on the selfsame grounds, this writ petition is not entertainable at this stage and the same stands disposed of directing opposite party no.1 to look into the request of the petitioners, vide Annexure-3 and take a lawful decision thereon and also the applicability of the judgment cited hereinabove, as expeditiously as possible preferably within a period of one and half months from the date of communication of this order so also copy of the writ petition by the petitioners.

Petitioners may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587, dated 25.03.2020.

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**Biswanath Rath, J.**



