



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24565 of 2014

Rankanidhi Panda

....

Petitioner

*Mr. S. Behera,
Advocate*

-versus-

O.F.D.C., BBSR & Others

....

Opposite Parties

*Mr. C.A. Rao, Sr. Advocate with
Mr. S.K. Behera, Advocate for the
Corporation-O.P. No.4*

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

06.07.2026

Order No

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed *inter alia* with the following prayer:-

“Under the circumstances, it is therefore prayed that your Lordships may be graciously pleased to issue a writ in the nature of Mandamus or any other appropriate writ/writs directing the Opposite Parties to quash the impugned order of retirement of the petitioner passed in ANNEXURE-1;

And further be pleased to direct the Opposite Parties to allow the petitioner continue in his service till he attains the age of superannuation of 60 years;”



4. It is contended that even though petitioner was eligible and entitled to continue till attaining the age of 60 years in terms of the Resolution issued by the Finance Department on 28.06.2014 under Annexure-2 and the direction issued by the Department of Public Enterprises on 02.08.2014 under Annexure-3, but petitioner was made to retire at the age of 58 years on 31.07.2014.

4.1. It is also contended that subsequent to the retirement of the petitioner, the Corporation vide its order dated 24.10.2014 under Annexure-5, extended the age of retirement to 60 years in respect of the employees who retired w.e.f. October, 2014.

4.2. It is accordingly contended that since pursuant to Annexures-2 and 3, the Corporation extended the date of retirement of the employees to 60 years vide order dated 24.10.2014, action of the Corporation in retiring the petitioner on 31.07.2014 at the age of 58 years, requires interference of this Court and petitioner's continuance be treated as deemed continuance till attaining the age of 60 years with all consequential benefits.

5. Mr. C.A. Rao, learned Senior Counsel appearing for the Corporation on the other hand contended that since pursuant to Annexure-2 and 3 Resolution, the Corporation only took a decision vide order dated 24.10.2014 under Annexure-5, to extend the age of retirement to 60 years w.e.f. October, 2014 and petitioner by that time, had already retired on attaining the age of superannuation on 31.07.2014, petitioner is not eligible and entitled to get the benefit of continuance till attaining the age of 60 years.



5.1. It is also contended that similar claim made with a prayer to quash order dated 24.10.2014 under Annexure-5 and to extend the benefit of continuance till attaining the age of 60 years in respect of employees who had retired prior to October, 2014, was rejected by this Court vide its judgment dated 23.02.2024 in W.P.(C) No.13300 of 2020. (Copy of the judgment so produced in Court be kept in record.)

5.2. It is accordingly contended that since petitioner which is not disputed, had already retired by the time the Corporation decided to extend the age of retirement to 60 years vide order dated 24.10.2014 under Annexure-5 and challenge made to such decision of the Corporation, has been upheld by this Court while dismissing W.P.(C) No.13300 of 2020, petitioner is not eligible and entitled to get the benefit as prayed for.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that petitioner while continuing in service in the establishment of the Corporation, retired on attaining the age of superannuation at 58 years on 31.07.2014. It is not disputed that pursuant to Annexure-2 and 3 decisions of the Govt. in the Finance and Public Enterprises Department, the Corporation only vide order dated 24.10.2014 under Annexure-5, extended the age of retirement to 60 years in respect of the employees who retired w.e.f. October, 2014.

6.1. Since petitioner prior to such decision of the Corporation, had already retired on 31.07.2014 and challenge made to order dated 24.10.2014, has been rejected by this Court in its judgment



dated 23.02.2024 in W.P.(C) No.13300 of 2020, this Court is of the view that petitioner is not eligible and entitled to get the benefit as prayed for. Accordingly, this Court is not inclined to issue any such direction.

7. The Writ Petition stands dismissed accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev