

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13252 of 2014

Bankim Chandra Padhy

.....

Petitioner

Mr. B. Biswal, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

Mr. J.P. Pattnaik, G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

20.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Biswal, learned counsel for the petitioner and Mr. J.P. Pattnaik, learned Government Advocate.

3. The petitioner has filed this writ petition against the order dated 18.03.2014 passed in O.A. No. 592 of 2013, by which the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar has directed the opposite parties to disburse the admissible amount with interest in favour of the petitioner @ 8.5% per annum on the differential amount of pension from the date of his retirement till the date of actual payment and 7% per annum on the gratuity amount from one year after the date of retirement. The prayer of the petitioner in this writ petition is that to issue direction to the opposite parties, in modification of that part of the order to pay interest to the petitioner @ 18% per annum, instead of 7% per annum, on the pensionary and unutilized leave dues, and also disburse the admissible amount of interest @18% per annum on the differential amount of pension from the date of his retirement till the date of actual payment.

4. Mr. B. Biswal, learned counsel for the petitioner contended that in the circular dated 10.08.2009 issued by the Government of

Orissa, P.G. & Pension Administration Department with regard to timely payment of pension and by the PSAs and payment of interest on delayed payment of pension by the person/persons responsible, it has been directed that if there be any delay in payment of pension, the pensioners shall be entitled to 18% interest per annum for the period of delay and this interest shall be recovered from Pension Sanctioning Authority and other persons responsible. But the tribunal, without taking into consideration the same, passed the order impugned. Therefore, the petitioner has approached this Court by filing the present writ petition.

5. Mr. J.P. Pattnaik, learned Government Advocate contended that since there was delay in payment of pension, the tribunal, considering the entire facts and circumstances, directed for payment of interest @8.5% per annum on the differential amount of pension from the date of his retirement till the date of actual payment and 7% per annum on the gratuity amount from one year after the date of retirement. Thereby, no illegality or irregularity has been committed by the tribunal in passing the order impugned so as to warrant interference of this Court.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner, while continuing as Soil Conservation Sectional Officer in the office of the Asst. Soil Conservation Officer, Khurda, had retired from service on attaining the age of superannuation on 28.02.2009. But all the retirement dues of the petitioner were not disbursed in his favour even though the pension papers had been submitted by the authority concerned before the pension sanctioning authority immediately after his retirement. More so, no criminal or departmental proceeding was pending against the petitioner on the

date of retirement. Even though on the basis of last pay drawn, the actual entitlement of pension of the petitioner was Rs.5,985/-, but only minimum provisional pension amounting to Rs.3,500/- was disbursed in his favour after his retirement. The pension, gratuity, unutilized leave salary and commuted value of pension, as due and admissible to the petitioner, were disbursed in his favour only on 19.02.2013 and, as such, there was delay of nearly four years. Thereby, the petitioner claimed that he is entitled to interest on the differential amount of pension so also unutilized leave salary, gratuity amount and commuted value of pension, as has been paid in his favour.

7. This Court in the case of ***Dhruba Charan Panda v. State of Orissa***, 1999 (II) OLR 433, held that for delayed payment of pensionary benefits, the petitioner is entitled to get the interest thereon. As such, the tribunal, while considering the case of the petitioner, has taken note of the judgment of this Court in the case of ***Dhruba Charan Panda*** (surpa) so also the instructions imparted in the communication dated 30.12.1999 issued by the Govt. of Orissa in Public Grievance and Pension Administration Department, allowed the original application filed by the petitioner and directed the authorities to disburse the admissible amount with interest in favour of the petitioner @ 8.5% per annum on the differential amount of pension from the date of his retirement till the date of actual payment and 7% per annum on the gratuity amount from one year after the date of retirement. Therefore, this Court is of the considered view that the reasons for grant of such rate of interest are well founded in the order itself by the tribunal.

8. In the above view of the matter, this Court does not find any

illegality or irregularity committed by the tribunal in passing the order impugned so as to warrant interference of this Court.

9. Accordingly, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Sukanta

