

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3425 of 2022

Basanta Kumar Mohanty

....

Petitioner

Mr. D.Pr. Das, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.03.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned counsel for the State.

3. The present writ petition has been filed by the petitioner with the following prayer:-

“It is therefore prayed that this Hon’ble court may graciously be pleased to issue notice to the Opposite Parties calling upon them to show cause.

In the event they fail to show cause or show in sufficient cause issue writ of Mandamus commanding to Opposite parties to release the pensionary benefits as admissible to the petitioner in terms of the promotional post under Annexure-3 and leave salary.

And pass any other order/orders, direction/directions as deem fit and proper.”

4. It is submitted by learned counsel for the Petitioner that the

petitioner was entangled in two vigilance cases and thereafter, he was acquitted in such vigilance cases. By that time, the petitioner was acquitted and he had retired from service on attaining age of superannuation. He further submits that on 6th of March, 2020, the petitioner was promoted to the post of A.C.F. w.e.f.21.08.2013.

5. The grievance of the petitioner in the present writ petition is that although the petitioner was given notional promotion, the Opposite Parties are not extending the pensional benefits on the basis of notion promotion to the post of A.C.F.

6. Learned counsel for the State, on the other hand, submits that let the petitioner be approached to the authorities and the said authorities shall consider the grievance of the of the petitioner as directed by this Court in accordance with law within a stipulated period of time.

7. Considering the submissions made by learned counsel for the parties, limited nature of grievance of the petitioner and the fact that the petitioner has already been given notional promotion to the post of A.C.F. from acquittal of the vigilance cases, this Court disposes of the writ petition with a direction to the Opposite Parties immediately calculate the pensionary benefit of petitioner to the post of A.C.F. on notional promotion in accordance with law within a period of three months from the date of production of certified copy of this order and the dues as admissible, the same shall be disbursed to the petitioner within the aforesaid time.

7. With the aforesaid direction, the writ petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge