

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3696 of 2022

Rajashree Nayak

....

Petitioner

Mr. B.S.Tripathy-1, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

***Mr. B.Mohanty, Standing Counsel
S & ME.***

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
11.02.2022**

Order No.

01. 1. This matter is taken up through Hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the Petitioner and Mr.B.Mohanty, learned Standing Counsel for School & Mass Education Department.
3. The present writ application has been filed with a prayer to release the final pensionary benefit including DCRG and gratuity payable to a retired Headmaster.
4. It is stated in the present writ application that the Petitioner is a retired Headmaster of Manatira High School, Jajpur and has retired from service on attaining the age of superannuation with effect from 28.02.2019.
5. Mr.Tripathy, learned counsel appearing for the Petitioner submits that the retirement dues along with pensionary benefit of the Petitioner has not been paid several years after retirement. From record, it is found that the Director, Secondary Education, Odisha, Bhubaneswar has written to the Controller of Accounts, Odisha to

release the pension and gratuity in favour of the Petitioner by complying the requirements. Thereafter the Controller of Accounts wrote letter to the Additional Director of Secondary Education, Odisha, Bhubaneswar seeking some further information/clarification to be complied with by the Additional Director. The aforesaid compliance having not been done as yet, pension as well as retirement dues have not been disbursed in favour of the Petitioner.

6. This Court is of the prima facie view that the conduct of the Opposite Parties in the present case is not sustainable in law. The inaction on the part of the Opposite Parties causing injustice to the Petitioner.

7. In view of the facts and circumstances stated herein above, this Court disposes of the writ application with a direction to the Director, Secondary Education, Opposite Party No.2 to immediacy comply with the requirement made in Memo No.30769 dated 04.10.2021 issued by the Assistant Controller of Accounts. Further the Controller of Accounts, Opposite Party No.4 is directed to calculate and disburse the pensionary and retiral dues of the Petitioner within a period of six weeks thereafter.

8. With the aforesaid observation, the writ application stands disposed of.

RKS

(A.K. Mohapatra)
Judge

RKS