

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4743 of 2022

Prasad Nagabansa

....

Petitioner

Mr. Ramdas Achary, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.04.2022

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. Perused the record.

3. The present writ petition has been filed by the petitioner for a direction to the Opposite Parties to sanction and release the final pension in favour of the petitioner as per Odisha Civil Services(Pension) Rules, 1992 within a stipulated period of time since the petitioner has retired from service on 30.09.2017.

4. It is submitted by learned counsel for the Petitioner that the petitioner has retired from service on attaining the age of superannuation on 30.09.2017 and thereafter, he has been extended the benefit of provisional pension. However, despite several

reminders, the authorities have not sanctioned and disbursed the final pension in favour of the petitioner. It is further submitted that after retirement from service, the petitioner is suffering a lot of financial hardship. Although he has approached the authorities on several occasions, but the authorities have not taken the issue seriously. It is also submitted by learned counsel for the petitioner that the petitioner has filed a representation before the Principal Secretary, Department of General Administration and Public Grievance, Bhubaneswar- Opposite Party No.1 on 04.09.2019 and the same is pending for consideration as of now.

5. Further, it is also submitted by learned counsel for the petitioner referring to a letter of P.I.O.-cum-Joint Secretary to Government, G.A. Department dated 31.03.2021 under Annexure-4, which has been obtained under the RTI Act dated 16.02.2021 that the stipulation made in the OM No.1/7/2009-IR dated 20.05.2011 of Ministry of Personal and Training, Public Grievance and Pension Department the Public Information authorities cannot be expected to communicate to the citizen the reasons why a certain thing was done or not in the sense of a justification because the citizen makes a requisition about information and that the justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information. He further contends that he petitioner has retired from Government employment and the decision of keeping pensionary benefits in absence of which he is otherwise entitled as per law, he is being made to run from pillar to post since last five years, which is the bare minimum expectation from a public servant is that the case of the retired Government employees are to be dealt with sympathy and with a human touch. It is further submitted by

learned counsel for the petitioner that no departmental proceeding is pending against the petitioner. It is solely due to laches on the part of the employer and the officers at the helm of affairs, the claim of the petitioner has not been processed. The petitioner is no way responsible for such delay in any manner whatsoever.

6. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time and he further submits that the authorities shall take decision in the matter in accordance with law.

7. However, this Court is not at all impressed by the submission of the petitioner's counsel and further considering the plight and misery of retired Government employee, who is suffering from last five years after retirement.

8. Considering the submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the Principal Secretary, Department of General Administration and Public Grievance, Bhubaneswar-Opposite Party No.1 to consider the case of the petitioner with utmost urgency and immediately sanction the final pension of the petitioner, if there is no other legal impediment. Further it is directed that the final pension amount shall be paid along with interest @ 8% on arrear amount to the petitioner within a period of one months from the date of taking such a decision. The Opposite Party No.1 is also directed to complete the entire exercise within a period of two months from the date of receiving the certified copy of this order.

9. With the aforesaid direction/observation, this writ petition

stands disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

