

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7399 of 2021

Banabasi Behera

....

Petitioner

Mr. R.N. Prusty, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. P.K. Rout, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.12.2022

Order No.

- 03.
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-Opposite Parties. Perused the writ petition and the documents annexed therein.
 3. The present writ petition has been filed by the Petitioner with the following prayers:-

“The petitioner, therefore prays that this Hon’ble Court may be graciously pleased to admit this writ petition, issue Rule NISI to the Opp. Parties and call for the records and after hearing the parties to this writ petition, give direction to the opp. parties particularly to the Opp. Party No.5 to release gratuity, the retirement benefits and all other statutory benefits to him within a stipulated time in accordance with law in the interest of justice;

And/or pass any other order(s), direction(s) as may be deemed just and proper in favour of the petitioner.”

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

that the Petitioner initially joined on 15.8.1981 in service as a Grade-III Supervisor. In the year 1994, the Petitioner was given promotion to the post of Assistant Supervisor and on 1.8.2008, he was given promotion to the post of Banking Assistant and continued to discharge his duty in the same capacity till 2.7.2014, i.e., the date of his retirement on attaining the age of superannuation. It is further submitted that the Petitioner had worked continuously for a period of 29 years. However, after his retirement, he has not received the pension and gratuity as due and admissible to him as per the law and he has been running pillar to post to get his legitimate dues, but none of the authorities putting any heed to him.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submits that let the Petitioner approached the competent authority by filing a representation indicating therein his grievances and in the event such representation is filed, the same be directed to be considered and disposed of in accordance with law within a stipulated period of time.

6. Considering the submission made by the learned counsel for the parties, this Court disposes of the writ petition at the stage of admission by directing the Petitioner to approach the Opposite Party No.5 by filing a representation and in the event such representation is filed before the Opposite Party No.5, the Opposite Party No.5 shall do well to consider the same by passing a speaking and reasoned order within a period of eight

weeks from the date of production of certified copy of this order. Further, it is directed that in the event the Petitioner is eligible to get the pensionary benefit and other retiral benefit as due and admissible to him, the authority shall do well to sanction the same and disburse the amount in favour of the Petitioner within two months from the date of taking such decision.

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

Debasis

