

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6418 of 2022

Dr. Raghunath Mishra

....

Petitioner

Mr. S.K. Purohit, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Rout, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.12.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate appearing for the State-Opposite Parties. Perused the writ petition and the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“It is therefore prayed that your Lordship’s may be graciously pleased to admit this case, issue notice on the Ops asking them to show cause for the delay in payment of the final pension, gratuity, un-utilized leave salary and the increments owing to non-regularization of service books, so far and on hearing the Ops if they fail to show or do not show any justifiable reasons, then direct the Ops to pay all the Service and the retired dues of the petitioner within a stipulated time period with interest of 18% interest over the same to be recovered from the salary of the Govt. servants due to whom the pension and other payables were delayed.

And/or pass any such other/further orders as deemed fit and proper by your Lordships in the

facts and circumstances stated above.”

4. It is submitted by learned counsel for the Petitioner that although the Petitioner has retired from service since 31.7.2019, the authorities are not released his pensionary as well as retiral dues. It is further contended that earlier the Petitioner was implicated in a departmental proceeding, however, the same has been quashed by the Odisha Administrative Tribunal. Thereafter, an order was passed to treat the period of suspension of the Petitioner as period in duty and release the retiral dues of the Petitioner. However, no action has been taken by the Director, Health Services, Odisha, Bhubaneswar or any other competent authority to clear the pensionary and other financial benefits to the Petitioner.

5. Learned counsel for the State, on the other hand, submits that the Petitioner has not approached the departmental authorities along with the relevant documents. He further submits that let the Petitioner be directed to approach the departmental authority by filing a detailed representation along with supporting documents and in that event, the Petitioner approaches before the authority concerned, the authority concerned be directed to consider the case of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the learned counsel for the respective parties and taking into consideration the fact that the Petitioner is a retired Government employee and he has not been getting his financial benefits like retiral dues, pensionary benefits and gratuity, this Court disposes of the writ petition by directing the Petitioner to approach the Opposite Party No.1 and 2 within two weeks hence by filing a detailed representation taking therein all the grounds available to him along with supporting documents and in the

event such a representation is filed before the Opposite Party No.1, the Opposite Party No.1 shall do well to consider and dispose of the same in accordance with law by passing a speaking and reasoned order within a period of six weeks from the date of filing of such representation. It is further directed that in the event it is found that the Petitioner is lawfully entitled to get the dues as due and admissible to him, the Opposite Parties No.1 and 2 shall do well to sanction and disburse the same in favour of the Petitioner within a month of thereafter. Further, in the event the authorities come to a conclusion that the delay in clearing the dues of the Petitioner is attributable to the departmental authorities, the interest @ 8% starting from the due date till the payment is made be paid to the Petitioner.

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

Debasis

