

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7480 of 2022

Baikuntha Bihari Dash

....

Petitioner

Ms. Sandhyarani Dash, Advocate
-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.04.2022

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 counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is therefore prayed that in view of the above facts and circumstances this Hon’ble Court may graciously be pleased to admit this writ petition, notice may be issued to the Opp.Parties and after hearing both sides, an order/orders may be passed directing the (O.P. 2 to 7) to approve and release all the pension gratuity with retirement benefits like unutilized leave and commutation and pension related all the pay commission in favour of the petitioner.

And for any other order(s)/direction(s) as your Lordship

deem fit and proper.”

4. It is submitted by learned counsel for the petitioner that the petitioner is not getting family pension, gratuity and other retiral benefits payable to him and the petitioner has been retired from service on attaining the age of superannuation since 31.10.2009. She further submits that the petitioner had entangled in a criminal under Section 498-A, I.P.C. and she further contended that in the said criminal case, the petitioner has arrayed as a party in law. Therefore, he had no role to pay in the said criminal case and the same are not stand on the way of the authority to clear the retiral dues of the petitioner as admissible.

5. It is further submitted by leaned counsel for the petitioner that although the petitioner has filed representation dated 16.02.2022, under Annexure-1 series before the Divisional Forest Officer, Cuttack Forest Division, Ghatakula-Opposite Party No.7, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

6. Learned counsel appearing 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.

7. 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 Divisional Forest Officer, Cuttack Forest Division, Ghatakula-Opposite Party No.7 to consider the representation of the Petitioner dated 16.02.2022 under Annexure-1 series in accordance with law within a period of eight weeks from the date of production

of certified copy of this order. Further Opposite Party No.7 shall do well to consider the representation of the petitioner and dispose of the same by passing a speaking and reasoned order. Any decision taken on the said representation shall be communicated to the petitioner within a period of ten days thereafter.

8. With the aforesaid observation/direction, the writ petition is disposed of.

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

*(A.K. Mohapatra)
Judge*



Jagabandhu