

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 2991 of 2012

A. Venkat Rao

.....

Petitioner

None

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

23.06.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Against the rejection for grant of provisional pension vide order dated 15.11.2011 in O.A. No. 2633 (C) of 2011, the petitioner approached this Court in the present writ petition.

3. Though the names of Mr.T.K. Mishra and M/s. G.P. Dutta, learned counsel and his associates reflect in the cause list on behalf of the petitioner, none appears on behalf of the petitioner at the time of call.

4. Heard Mr. S.N. Nayak, learned Additional Standing Counsel. Perused the record.

5. On perusal of the record, it reveals that the petitioner while discharging the duty as ASI of Police at Subalaya Outpost under Subarnapur he was charged under Section 13 (2) read with Section 13 (1)(d) and under section 7 of P.C. Act. On conclusion of trial in the Court of Special Judge, Vigilance, Balangir in CTR No. 7/16 of 2003-07, the petitioner was convicted under Section 13 (2) read with 13 (1) (d) and under Section 7 of P.C. Act. Challenging the

said order of Vigilance Case, the petitioner moved this Court. The matter is still pending. While the matter was pending, he claimed for provisional pension, which was been refused by the authority. Thereafter he approached the Tribunal. The tribunal after hearing the parties held that the action taken by the authorities refusing to grant provisional pension to the petitioner calls for no interference by the tribunal. More so, the order of conviction which been challenged before this Court is pending.

6. In view of the above, this Court is not inclined to pass any order at this stage and affirmed the order passed by the tribunal dated 15.11.2011 in O.A. No. 2623 (C) of 2011. However, it is made clear that in the event the petitioner is acquitted in the criminal case pending before this Court, he may approach the authority for release the amount as due and admissible to him in accordance with law.

7. With the above observation/direction, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun/Banita

(S.K. MISHRA)
JUDGE