

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8792 of 2022

Pramod Kumar Tripathy

....

Petitioner

Mr. Dayananda Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

29.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The writ petition filed by the petitioner involves the following prayer:

“The Petitioner, therefore humbly prayed that this Hon’ble Court may graciously be pleased to issue rule nisi calling upon the opposite parties to show cause as to why the arrear salary, pensions and differential gratuity shall not be disbursed at revised scale of pay as per ORSP Rule 2007 with effect from 1.1.2006 and as to why the petitioner shall not be allowed to immediately release the gratuity, leave salary and other retiral dues on the basis of the last pay revision.

And if the opposite parties failed to show cause or show insufficient cause the said rule shall be made absolute by issuing an appropriate writ/s, order/s, direction/s as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.

And for this act of kindness, petitioner shall as in duty bound and remain ever pray.”

4. Learned counsel for the Petitioner submits that Petitioner was initially appointed as Sub-Registrar at Jharsuguda under Revenue and Disaster Management Department, Govt. of Odisha in the year 1980 in the scale of pay of Rs.500. Subsequently he was transferred to Bargarh District and worked there till 1984. Thereafter, he was transferred to Balangir District in the year 1990 and worked there till the year 1990. It is submitted that on promotion to the post of District Sub-Registrar, he was posted at Bolangir District till 2002 and in the year 2002, he was transferred to the Sambalpur District as Sub-Registrar and continued there until his retirement in the year 2008. During the long span of 30 years with an unblemished career, the Petitioner is stated to have availed different revision pay scale of the year 1981, 1989 and 1998. It is further submitted that even though he had availed the provisional pension as per the ORSP Rule, 1998, but actually he is entitled for benefits under ORSP Rule, 2007, but no final pension has been released till date. It is further submitted that Opposite Party No.3 has already sent the service book, pension papers with a requisition to sanction the pension, DCRG, unutilized leave salary for 300 days and also transmit the same to Accountant General (AG) for sanction of the final pension and other financial benefits and also arrears in favour of the Petitioner, but Opposite Party No.1 is not taking any decision on the same and in the meantime several years have elapsed. The Petitioner is an old man, aged about 80 years and is a physically disabled person and suffering from different allied diseases and facing severe financial crisis. A prayer has been made to direct the Authority-Opposite Party No.1 to immediately disbursed the arrear salary, final pension and differential gratuity at the revised scale of pay as per ORSP Rule 2007 with effect from 1.1.2006 and further to release the gratuity, leave salary and other retiral dues on the basis of the last pay revision.

5. Learned counsel for the State on the other hand submits that a direction may be issued to the Authority-Opposite Party No.1 to consider the case of the Petitioner within a stipulated period of time.

6. Considering the submissions made and keeping in view the facts and circumstances of the case, this Court is inclined to dispose of the writ petition at the stage of admission directing the Joint Secretary to Government, Revenue and Disaster Management Department, Bhubaneswar, Odisha, Opposite Party No.1 to consider the case of the Petitioner and further to sanction and disburse the arrear salary, final pension and differential gratuity at revised scale of pay as per ORSP Rule 2007 with effect from 1.1.2006 and further to release the gratuity, leave salary and other retiral dues on the basis of the last pay revision, strictly in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of production of certified copy of this order.

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

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge