

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9363 of 2022

Kishore Chandra Swain

....

Petitioner

Ms. Deepali Mahapatra, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

01

ORDER
02.05.2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present writ application has been filed for a direction to the Opposite Parties to release the retiral benefit such as gratuity, GPF, commuted value of pension and provisional pension in favour of the Petitioner at an early date.
4. It is submitted by the learned counsel for the Petitioners that the Petitioner was initially appointed as Junior Typist in the State Library, Odisha vide letter dated 21.03.1987. Accordingly, he joined in service on 25.03.1987. Thereafter his service was regularised with effect from 25.03.1987 vide letter dated 01.07.1991. After regularization of his service, the Petitioner was continuing in the Office of Harekrushna Mahatab State Library, Bhubaneswar, the Opposite Party No.3. While continuing in the office of Opposite Party No.3 he got entangled in Bhubaneswar Vigilance Case No.55

of 2019 for commission of an offence under section 7 of the Prevention of Corruption (Amendment) Act, 2018. It is stated that the said proceeding is pending against the Petitioner. During pendency of the Vigilance case, the Petitioner has retired from service on attaining the age of superannuation with effect from 31.03.2022. At the time of retirement he was holding the post of Senior Clerk in the Office of Opposite Party No.4. It is further submitted by the learned counsel for the Petitioner that even after his retirement the Petitioner is not getting his retiral dues although criminal proceeding in shape of Vigilance case was initiated against the Petitioner was pending for trial. She further submits that in the said criminal proceeding charge sheet has not yet been filed and however she expressed her apprehension that as to when the aforesaid vigilance case shall come to an end. In such view of the matter she submits that let the authorities be directed to release the dues payable to the Petitioner within a stipulated period.

5. Learned Additional Standing Counsel on the other hand submits that due to pendency of the aforesaid vigilance case the Petitioner is not entitled to pensionary benefit like gratuity, and other pensionary benefit. He further submits that a direction be given to consider the case of the Petitioner in accordance with law.

6. Having regard to the submissions made by the learned counsel for the respective parties and considering the facts and circumstances of the case and the materials placed on record, this Court deems it proper to dispose of the writ application at the stage of admission directing Opposite Party No.3 to consider the case of the Petitioner strictly in accordance with law and shall calculate, sanction and disburse the admissible gratuity and provisional pension amount till finalization of the vigilance case which is pending against the

Petitioner. The Petitioner is further directed to approach the authority along with the certified copy of this order and in the event the Petitioner approaches, the authority shall do well to act in accordance with the direction made herein above within a period of two months from the date of production of certified copy of this order.

8. With the aforesaid observation the writ application stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge

