

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9475 of 2022

Bipin Bihari Das

....

Petitioner

Mr. Prasanta Ku. Jena , Advocate

-versus-

State of Odisha and 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 by the Petitioner with the following prayer: *सत्यमेव जयते*

“It is therefore prayed that the Hon’ble Court shall be pleased to admit this writ application, issue notices to the Opposite Parties and upon hearing the parties be further pleased to issue order/orders/direction/directions/writ/writs, more particularly issue

- i) Writ of Certiorari or any other appropriate writ quashing the order dated 14.01.2022 (Annexur-1), order dated 19.01.2022 (Annexure-2) and order dated 28.01.2022 (Annexure-3) passed for recovery of Rs.11,09,321/- from the DCRG and gratuity of the Petitioner as well as passing order for reduced payment of monthly pension.
- ii) Writ of Mandamus or any other appropriate writ directing the Opposite Parties No.1 & 2 to provide pay protection to the Petitioner on his last drawn pay before his retirement.

- iii) Writ of Mandamus directing the Opp.Parties No.1 & 2 to revise the monthly pension basing on the lat pay drawn as well as to revise the commuted value of pension and the DCRG of the Petitioner and to release the same in favour of the Petitioner within a specified period and pass any such order/orders as deem fit and proper in the fact and circumstances of the case.

4. It is submitted by the learned counsel for the Petitioner that the Opposite Parties are trying to make certain recovery after the Petitioner has retired from service on attaining the age of superannuation. It is further submitted by the learned counsel for the Petitioner that such conduct of the authority is contrary to the law laid down by the Hon'ble Supreme Court in the case of **State of Punjab and others v. Rafiq Masih (White Washer)** and others reported in (2015) 4 SCC 334.

5. It is further submitted by the learned counsel for the Petitioner that the Petitioner has submitted a detailed representation before the Additional Chief Secretary to Government in Home Department, Government of Odisha, Opposite Party no.1 on 01.12.2021. It is stated that the same is pending before the Opposite Party No.1 for consideration.

6. Learned Additional Standing Counsel on the other hand submits that the matter is under active consideration of Opposite party No.1. In the vent the opposite party no.1 is directed to consider the same within a stipulated period of time then the same will suffice the purpose.

7. Considering the aforesaid submissions and keeping in view the limited nature of grievance this Court disposes of the writ application at the stage of admission directing the Opposite Party No.1 to

consider the representation of the Petitioner under Annexure-12 dated 01.12.2021 within a period of two months from the date of production of certified copy of this order. The Opposite party No.1 is further directed to consider the representation of the Petitioner keeping in view the law laid down by the Hon'ble Apex Court in the matter of **State of Punjab vs. Rafiq Masih** (supra) and shall dispose of the representation of the Petitioner by passing a speaking and reasoned order. The decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within two weeks thereafter.

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

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

RKS

