

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.9557 of 2022

Trilochan Digal

....

Petitioner

Mr. Manoj Panigrahi, Advocate

-versus-

State of Odisha & Ors.

....

Opp. Parties

Mr. R.N. Mishra, AGA

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

22.06.2022

Order
No.

03

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner has filed this writ petition seeking direction of this Court to opposite party no. 1 to consider and dispose of the representation dated 22.12.2021 under Annexure-9.
4. The brief fact of the case is that the petitioner joined in Government Service on 08.03.1976 in the Department of Directorate of Higher Education by producing the Schedule Tribe certificate issued by the then MLA of the concerned assembly constituency to which the petitioner hails from. But presuming it as fake certificate, a fake

Certificate Case No.488/2010 was initiated against the petitioner. The State Level Scrutiny Committee constituted by ST & SC Department Govt. of Odisha found the petitioner guilty based on enquiry report submitted by the Investigating Officer. Thereafter, a Departmental Proceeding was initiated against the petitioner by the opposite party No.6 vide its Office Order No.22100 dated 28.05.2008 and 28258 dtd.10.07.2008 and show-cause was called for. Since the show-cause was not satisfactory, he was suspended on 02.08.2008 pending finalization of the proceeding. Hence, the petitioner challenged the suspension order dated 02.08.2008 vide W.P.(C) No. 27172 of 2013. In the meantime, the petitioner has superannuated on 30.06.2016 but his gratuity, full pension and other pensionary and financial benefits have not been released as yet. The petitioner is only receiving Rs.10,000/- per month.

5. Learned counsel for the petitioner submits that one Pinas Digal whose case is similar to the petitioner vide order dated 22.11.2021 in W.P.(C)No.35180 of 2021 of this Court, his arrear salary, gratuity, pension and other pensionary and financial benefits have been released. The

present petitioner's case stands on similar footing. It is further submitted that the petitioner has filed a detail representation to the Opposite Party No.1/Principal Secretary to government, Higher Education Department Odisha on 22.12.2021 for release of his gratuity, full pension and other pensionary and financial benefits but the same has not been considered yet.

6. Learned counsel for the State concedes the submission of the learned counsel for the petitioner regarding the parity taking into account of the decision taken by this Court on similar issue.

7. Considering the facts and submissions made, this writ petition is disposed of directing opposite party no.1 to consider the representation filed by the petitioner vide Annexure-9, and pass appropriate order in accordance with law within a period of one month from the date of production of certified copy of this order.

8. Issue urgent certified copy as per rules.

(S.K. Panigrahi)
Judge