

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10528 of 2022

Rabindra Nath Mallik

....

Petitioner

Mr. Prajit Kumar Pradhan, Advocate

-versus-

State of Odisha and others

....

Opposite Party

Mr. P.C.Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

02.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr.P.K. Pradhan, learned counsel for the Petitioner and Mr. P.C.Das, learned Additional Standing Counsel for the State.
3. The writ petition filed by the Petitioner involves the following prayer:

“In the facts and circumstances stated above, the humble Petitioner respectfully prays that, this Hon’ble Court may graciously be pleased to issue a writ of mandamus directing the authorities/Opp. Parties to grant and pay all his retiral dues and Final pension within a stipulated period;

And/or pass any such other or further writ(s)/order(s)/directions) which give complete relief to the Petitioner;

And for this act of kindness, the Petitioner shall as in duty bound ever pray.”

4. It is submitted by learned counsel for the Petitioner initially joined as OAS(I)(JB) thereafter he was transferred from place to

place in obedience to his higher authority. In the year 2013, while he was continuing as Block Development Officer in Gandia Block of Dhenkanal district, a disciplinary proceeding was initiated vide order No.17-BDO-03-4581-30189/PR, dated 21.12.2013. Thereafter while the proceeding was continuing, the Petitioner was allowed to retired from Government service w.e.f. 31.03.2018 but due to pendency of the aforesaid Departmental Proceeding, the Petitioner was debarred from getting promotion for which he was entitled to and after his retirement he was also unable to receive his service and retiral dues. Thereafter, he HAD approached the State Administrative Tribunal by filing O.A. No.1852(c) of 2018 for a direction to the Opp. Parties to complete the Disciplinary Proceeding within a stipulated period of time. The aforesaid O.A. was disposed of on 06.08.2018 with a direction to the Respondents/Opp. Parties to complete the Disciplinary Proceeding within a period of six weeks. It is further submitted that pursuant to direction in O.A., the DPC was concluded by the Authority and punishment was imposed on the Petitioner. It is further submitted that Petitioner has accepted the punishment and he does not want to challenge the same therefore the Disciplinary Proceeding initiated against the Petitioner has attained finality.

Learned counsel for the Petitioner further submits that since the punishment imposed in the Disciplinary Proceeding has not yet been finalized by the Authorities, the retiral dues of the Petitioner could not be released. He further submits that it is very difficult on the part of the Petitioner to survive without Pension and pensionary benefits. Accordingly, he seeks for a direction to the Opposite Party Nos.1 and 4 to finalize the pension as well as retiral benefits of the Petitioner keeping in view the fact that Petitioner has accepted the punishment imposed on him, therefore, the retiral dues and

pensionary benefits be sanctioned and disbursed to the Petitioner by taking into consideration the financial impact on account of punishment imposed on the Petitioner. It is open for the Authorities to adjust the financial punishment imposed on the Petitioner against the retirement dues and balance amount be released in favour of the Petitioner forthwith.

5. Learned counsel for the State on the other hand has no objection in the event the Court directs the Opposite Party Nos.1 and 4 to finalize the Pensionary benefits of the Petitioner after adjusting the financial impact and disburse the balance amount within a stipulated period of time.

6. Considering the aforesaid submission and keeping in view the limited nature of grievance, this Court directs the Opposite Party Nos.1 and 4 to finalize the pensionary retiral benefits of the Petitioner as is admissible and due to him in accordance with law within a period of two months from the date of production of certified copy of this order and further the Opposite Parties are directed to pay the balance amount to the Petitioner after adjusting the financial impact. It is further directed that the Authorities shall conclude the proceeding within a period of two months and the Petitioner be paid the balance amount as due and admissible within a period of one month thereafter.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge