

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11151 of 2022

Sadananda Dash

....

Petitioner

Mr. Nirmal Chandra Das, Advocate

-versus-

***Secretary, Central Co-operative
Bank Ltd., Koraput and others***

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

06.05.2022

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 present writ petition has been filed by the Petitioner with the following relief:

“Under the circumstance, it is therefore, humbly prayed that this Hon’ble Court may graciously be pleased to issue notices to the Opp. Parties, calling upon them to show cause, as to why this writ application shall not be allowed, if the Opp. Parties fail to show cause or submit insufficient cause, then this Hon’ble Court be pleased to issue a writ in the nature of writ of mandamus directing the Opp. Party No.1 to release the retiral dues of the petitioner such as gratuity, leave salary and other dues as admissible to him along with the revised arrear salary on 6th Pay for the period from January, 2006 to March, 2009 with 18% interest within a stipulated period by deducting the alleged recovery amount of Rs.2,32,993/- as mentioned in Anenxure-8 to this writ application till

finalization of the surcharge proceedings pending before the Opp. Party No.3.

Further this Hon'ble Court be graciously pleased to direct the Opp. Party No.3 to dispose of the surcharge proceeding No.37/10, SP No.7/12 and SP No.13/13 pending since long within a reasonable time.

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

4. It is submitted by learned counsel for the Petitioner that pursuant to order dated 11.12.2021, passed in W.P.(C) No.38903 of 2021, the Petitioner approached the Bank Authority. He further contends that representation of the Petitioner has been rejected on the ground that he has not completed certain formalities. However it is submitted that the anomaly has been settled by the Managing Director of Padwa LAMPS. Due to the discrepancy found in the representation, the Secretary Central Co-operative Bank Ltd., Jeypore, Koraput, Opposite Party No.1 had rejected the representation of the Petitioner (Anneuxre-6), vide order dated 20.04.2022 (Annexure-8).

5. Considering the aforesaid submissions and without expressing any opinion on the merits of the case, this writ petition stands disposed of at the stage of admission by setting aside the order dated 20.04.2022 (Annexure-8) and further directs the Opposite Party No.1 to consider the matter afresh by taking into consideration the compliance letter dated 20.04.2022 under Anenxure-9 and shall take a decision on the same within a period of two months from the date of production of certified copy of this order. Opposite Party No.1 is further directed to consider the matter of the Petitioner in accordance with law and shall dispose of the same by passing a speaking and reasoned order within the aforesaid

time. The decision so taken shall be communicated to the Petitioner within a period of ten days thereafter. It is open for the Opposite Parties to seek variation of this order in the event he/she feels aggrieved by the order of this Court.

6. With the above direction, the Writ Petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

