

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11694 of 2022

Bijay Kumar Panigrahi

....

Petitioner

Mr. Laxmikanta Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.06.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the opp.parties calling upon them to file show cause as to why a direction shall not be issued to grant/release interest of 10% to the petitioner on the pensionary benefits and gratuity amount of Rs.5,48,544/- and Rs.2,90,070/- for the period from 1.9.2014 to 18.04.2022 as per the judgment of Hon’ble Apex Court of India in between D.D. Tiwari (D) LR Versus Uttar Haryana Bijili Bitaran Nigam reported in (2005) 1 OLR (SC) 1981 and after hearing the parties be pleased to direct the opp.parties to grant/release 10% interest on the arrear of the pension and gratuity amount of the petitioner from 1.9.2014 to 18.4.2022.

And pass any other order/orders, direction/directions as this Hon’ble Court may deem fit and proper.”

4. It is submitted by learned counsel for the petitioner that the petitioner is entitled to the pensionary benefit immediately after his retirement w.e.f. 1.9.2014 to 18.4.2022. However, it is further submitted by learned counsel for the petitioner that in view of release of pensionary benefit in favour of the petitioner, the same is pending as of now.

5. It is further submitted by learned counsel for the petitioner that no disciplinary proceeding or any vigilance case or any other criminal case is pending against the petitioner. However, the opposite parties have not taken steps to release the pensionary benefits and gratuity benefits in favour of the petitioner. In such view of the matter, as per judgment of the Hon'ble Apex Court of India in between ***D.D. Tiwari (D) LR Versus Uttar Haryana Bijli Bitaran Nigam reported in (2005) 1 OLR (SC) 1981***. Learned counsel for the petitioner submits that the petitioner is entitled to interest of his pensionary benefit.

6. Learned counsel for the State, on the other hand, submits that he has no explanation to this Court as to why there was inordinate delay sanction and disbursing the pensionary benefit to the petitioner.

7. Considering the submissions made by the respective parties and taking into consideration the principle of law decided by the Hon'ble Supreme Court of India in the case of ***D.D. Tiwari (D) LR(supra)***, this Court disposes of the writ petition with a direction to the opposite parties to consider the case of the petitioner and grant pensionary benefit along with interest to the petitioner for delay in sanctioning and disbursing the pensionary benefit in favour of the petitioner. Let all the exercise be carried out and conclude the same within a period of two months from the date of production of

certified copy of this order.

8. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

