

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11597 of 2018

Surendra Das

.....

Petitioner

Mr. A.K. Sarangi, Adv.

Vs.

***General Manager (P & A), Orissa
Mining Corporation Ltd.,
Bhubaneswar and others***

.....

Opposite Parties

*Mrs. S.L. Pattnaik, Advocate
(O.P. Nos.1 & 2)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

**ORDER
04.11.2022**

I.A. No.14309 of 2022 and W.P.(C) No.11597 of 2018

**Order No.
07.**

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Petitioner and learned Counsel for the Opposite Party Nos.1 and 2.
3. The present Writ Petition has been filed for quashing the Order dated 12.03.2018, as at Annexure-4, vide which the Petitioner was superannuated on attaining the age of 60 years and further, a prayer has been made to allow the Petitioner to continue in his respective post till his superannuation, accepting his date of birth to be "20.04.1962", instead of "01.07.1958".
4. In course of hearing, learned Counsel for the Petitioner submits that during pendency of the Writ Petition though the Petitioner was superannuated since 12.03.2018, till date his after retiral dues have not been released.
5. Learned Counsel for the Petitioner further submits that though there is no interim Order in the Writ Petition and legal barrier to release

the after retiral dues of the Petitioner, without any cogent reason and merely on the ground of pendency of the Writ Petition, the admitted dues of the Petitioner are yet to be released in his favour, for which the Petitioner was being constrained to file I.A. No.14309/2022 for passing appropriate Orders to release the service benefits along with retirement benefits immediately.

6. Mr. Sarangi, learned Counsel for the Petitioner further submits that because of non-release of admitted retiral dues by the O.P. Nos. 1 and 2, the Petitioner has suffered a lot and since he does not want to prosecute the present Writ Petition on merit with regard to his date of birth, in view of the ruling of the apex Court, the Opposite Party Nos. 1 and 2 may be directed to release the after retiral service benefits, so also all consequential retiral benefits with interest to mitigate hardship caused to the Petitioner, so also financial loss caused to him because of such non-release of admitted dues on the plea of pendency of the Writ Petition, accepting his date of retirement to be "31.07.2018" in terms of Office Order dated 12.03.2018, as at Annexure-4.

7. On query, learned Counsel for the Opposite Party Nos. 1 and 2 submits that Corporation could not release the admitted dues of the Petitioner in view of the non-compliance of direction given to him in terms of Office Order dated 12.03.2018, which is impugned in this Writ Petition.

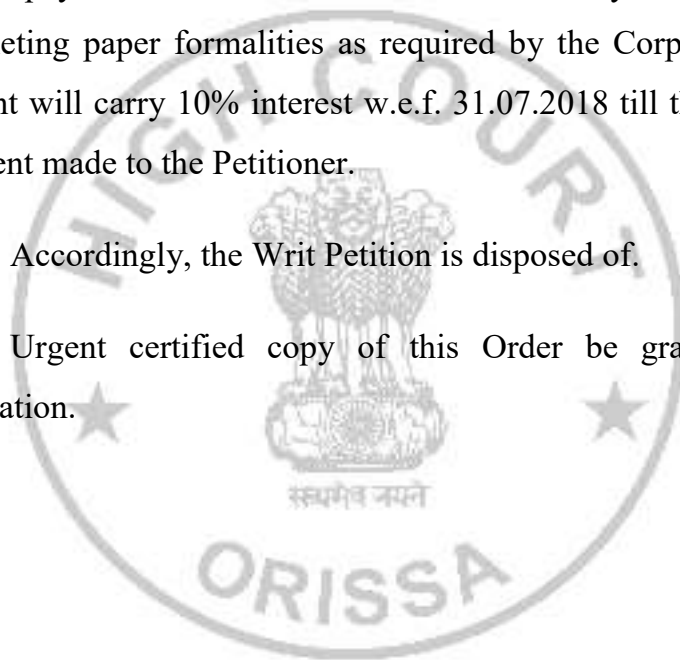
8. In view of such submission made by the learned Counsels for the Parties, the Opposite Party Nos. 1 and 2 are directed to release the after retiral dues of the Petitioner such as CPF, gratuity etc., so also all consequential retiral benefits, including pension, subject to compliance of all the formalities by the Petitioner in terms of the Office Order dated 12.03.2018.

9. Learned Counsel for the Petitioner undertakes that the Petitioner will remain present physically in the O/o Opposite Party No.1 i.e. General Manager (P & A), OMC Ltd., Bhubaneswar, on 15.11.2022 to complete all the paper formalities and to fill up the prescribed forms in terms of direction given to him vide Office Order dated 12.03.2018 and the Opposite Party No.1 is also directed to cooperate with the Petitioner to complete the said formalities enabling the Opposite Party-Corporation to release his admitted dues, as observed above, within 31.12.2022.

10. Needless to mention here that if the Opposite Party-Corporation fails to pay the admitted dues of the Petitioner by 31.12.2022, despite completing paper formalities as required by the Corporation, the said amount will carry 10% interest w.e.f. 31.07.2018 till the date of actual payment made to the Petitioner.

11. Accordingly, the Writ Petition is disposed of.

12. Urgent certified copy of this Order be granted on proper application.



(S.K. MISHRA)
JUDGE

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