

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14415 of 2022

Hiramani Hansdah

..... Petitioner
Mr. A.C. Behera, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr. P.C. Das, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
20.06.2022

Order No.

01. 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.
3. The writ petition has been filed by the Petitioner with the following prayer:

“Therefore, it is respectfully prayed that this Hon’ble Court may graciously be pleased to admit this writ application issue Rule NISI for calling upon the Opp. Parties for show cause as to why the direction will not be issued for providing the post retirement financial benefits to the petitioner immediately. This Hon’ble Court may make its rule absolute if no show cause or insufficient show cause is filed by the said opp. Parties and direct to the opp. Parties in the writ of Mandamus to provide the post retirement financial benefits to the petitioner with an immediate effect for the interest of justice and equity.

It is further prayed that this Hon’ble Court may be pleased to direct any other appropriate direction(s) or pass

any other suitable orders or pass any other appropriate writ/writs as this Hon'ble Court may deem fit just and proper.

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 although Petitioner is lawfully entitled to unutilized leave, one time refundable GIS advance, retirement gratuity, commutation of pension, final payment of GPF & 50% of arrear of ORSP Rules of 2017, he has not been sanctioned and paid the said benefits.

5. Learned counsel for the State on the other hand submits that Petitioner has not yet approached the concerned authority for sanction and disbursement of the amount claimed by him instead he has filed the present writ petition. It is further submitted that in the event Petitioner approached the concerned authority, i.e. Opposite Party No.2, he shall consider the same within a stipulated period of time.

6. Considering the aforesaid statement and keeping in view the limited nature of grievance, this Court disposes of the writ petition at the stage of admission by directing the Petitioner to approach the Opposite Party No.2 with a detailed representation within a period of two weeks along with certified copy of this order indicating the amounts which he is entitled to as per law. In the event Petitioner files a detailed representation within the stipulated period of time, the same shall be considered within two months from the date of filing the representation and shall consider and take a decision in accordance with law. In the event Petitioner is found legally entitled to payment claimed by him, Opposite Party No.2 shall do well to sanction and disburse the same within two months from the date of

taking a decision on the same and shall disburse in favour of the Petitioner thereafter within a period of one month.

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

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

