

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14980 of 2020

Dr. Sureswari Samantaray **Petitioner**

-versus-

The Commissioner -Cum- Opposite Parties
SECY. To Govt. & Ors.

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
03.03.2023

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Parties.
3. Let a copy of the counter affidavit be served on the learned counsel for the Petitioner by Monday (06.03.2023).
4. It is contended by Mr. T. Panigrahi, learned counsel for the Petitioner that because of the pendency of a vigilance proceeding, all the retiral benefits of the Petitioner has been withheld save and except the sanction of provisional pension.
4. Mr. S.N. Pattnaik, learned AGA on the other hand made his submission taking into account the provision contained under Rule 66 of the OCS (Pension) Rules, 1992. It is contended that since by the time the Petitioner retired from her service on 31.12.2006, a criminal proceeding was pending against her and she was also continuing under suspension, accordingly, after her retirement, the benefit of provisional pension has been sanctioned in terms of the

provision contained under Rule 66(1) of the Rules and the gratuity amount has been held up placing reliance on Rule 66(2).

5. However, since Mr. Panigrahi contended that save and except the sanction of provisional pension all the other retiral benefits of the Petitioner has been withheld, Mr. Pattnaik, learned AGA is directed to obtain instruction as to whether save and except withholding the gratuity the other retirement benefits of the Petitioner as due and admissible have been released or not. Such an instruction shall be provided to this Court on the next date.

6. As requested, list this matter on 22.03.2023.

(Biraja Prasanna Satapathy)
Judge

Sneha

