

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15098 of 2022

Santhalal Suna

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. H.K. Mund, learned counsel for the Petitioner and Mr. A.P. Das, learned ASC appearing for the opp. Parties.
3. The present writ Petition has been filed challenging the order dtd.07.05.2021 passed by the O.P. No. 2 under Annexure-3, whereby order has been passed to withhold the pension and gratuity of the Petitioner in full and permanently.
4. Mr. Mund, learned counsel for the Petitioner submitted that the said order though has been passed in view of the order of conviction and sentence passed against him in CTR No. 18/2003 by the learned Special Judge, Vigilance, Sambalpur, but challenging the said Judgment the Petitioner has already approached this Court in Criminal Appeal No. 685 of 2011. Accordingly, it is submitted that since the appeal is pending adjudication before this Court, the Petitioner is entitled to get the benefit of pension and other pensionary benefits.

5. Mr. Das, learned ASC on the other hand submitted that even though challenging the order of conviction and sentence the Petitioner has preferred the aforesaid appeal, but this Court has not stayed the said order of conviction and sentence while admitting the appeal.

6. In view of the same, this Court is of the opinion that since the Petitioner has been convicted by a competent Court, unless an until the order is set aside the Petitioner is not entitled to get his pensionary benefits and no illegality has been committed by the O.P. No. 2 in passing the said order.

7. This Court is accordingly not inclined to interfere with the same and disposed of the writ Petition with the observation that the order dtd.07.05.2021 shall be subject to final outcome of Criminal Appeal No. 685 of 2011.

8. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha