

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15360 of 2022

Padma Charan Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
19.07.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition for the following reliefs:

“ In the facts and circumstances narrated above and in the interest of justice, it is therefore prayed that your Lordships would be graciously be pleased to admit the Writ application, call for the records and issue Rule Nisi in nature of Certiorari/Mandamus or any other appropriate writ/writs calling upon the opp. Parties to show cause as to:-

a) Why the Ops shall not be directed to release the unutilized leave encashment, retirement gratuity and commuted value of pension to the petitioner with interest @ 10% per annum from the date of entitlement till the date of actual payment within the time fixed by this Hon’ble Court.

And

b) Why such other order(s), direction(s), writ(s) as this Hon’ble Court may deem fit and proper shall not be passed in the ends of justice and equity,

If the Opp. Parties fail to show cause or show insufficient cause the Hon'ble Court may be pleased to make the said Rule absolute,

And

For which act of kindness, the petitioner shall as in duty bound, ever pray."

And for this act of kindness, the petitioner as in duty bound shall ever pray."

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioner to make a fresh representation before Opp. Party No.1 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is submitted that the claim of the Petitioner is covered by a decision of this Court passed in W.P.(C) No.26547 of 2013. It is observed that O.P. No. 1 while taking a decision on the Petitioner's claim shall also take into consideration the order passed by this Court in the above noted writ Petition. The entire exercise shall be completed within a period of three months from the date of receipt of such representation. The order so passed by the Opp. Party No.1 be communicated to the Petitioner.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha