

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19090 of 2022

Krishna Chandra Dalbehera

Petitioner

-versus-

State of Odisha & Others

Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
07.09.2022**

Order No

4.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. M.Pati, learned counsel for Petitioner and Mr. A.P.Das, learned Addl. Standing Counsel for the State-Opposite Parties.

3. The Petitioner is aggrieved by the order dated 19.07.2022 passed by the Opposite Party No.1 under Annexure-5, wherein the claim of the Petitioner for sanction of his pension and pensionary benefit has been rejected on the ground that against the order of acquittal passed in a vigilance case, the Department has moved this Court in CRLLP No.125 of 2017.

4. Mr. Pati, learned counsel for the Petitioner submitted that the vigilance proceeding initiated against the Petitioner in Sambalpur Vigilance P.S. Case No.61/2005, was disposed of on 27.03.2017 by the learned Special Judge (Vigilance), Sambalpur by passing of an order of acquittal in his favour.

5. It is submitted that the stand taken by the Opposite Party No.1 that the pension and pensionary benefit cannot be released in view of pendency of CRLLP No.125 of 2017 is not a valid ground. This Court for verification of the matter also called for the records of CRLLP No.125 of 2017 and found that this Court

vide order dated 30.11.2008 has only issued notice on the question of limitation and no further order has been passed in the same.

6. Since admittedly, the Petitioner has been acquitted in the vigilance case, the pension and pensionary benefit cannot be withheld only on the ground of pendency of the petition at the instance of the State-Opposite Parties. The leave petition filed in the aforesaid CRLLP No.125 of 2017 has not yet been admitted with condonation of delay.

7. Therefore, this Court finds that the ground of rejection indicated in the impugned order is not valid and justified.

8. Accordingly, while quashing the same, this Court directs the Opposite Parties to sanction and disburse the pension and pensionary benefits of the Petitioner as due and admissible. But this Court observes that the said sanction and release of the pension and pensionary benefits shall be subject to the final outcome of CRLLP No.125/2017. The entire exercise shall be completed within a period of two months from the date of receipt of this order.

9. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat