

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23561 of 2022

Kabiraj Padhi

.... ***Petitioner***
Mr. S. Mallik, Advocate

-versus-

State of Odisha & others

.... ***Opp. Parties***
Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.11.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. S. Mallik, learned counsel appearing for the Petitioner and Mr. B.P. Tripathy, learned Additional Government Advocate appearing for the State-Opposite Parties. Perused the record.
3. This writ petition has been filed by Petitioner seeking a direction to the Opposite Parties to release the post retirement benefits such as pension and gratuity along with interest 18% thereon to him.
4. It is submitted by the learned counsel for the Petitioner that although the Petitioner has retired from service on attaining the age of superannuation from July, 2018, but till date he has not received

his retiral dues and other pensionary benefits. It is further submitted that although on inquiry, the authorities informed the Petitioner that a proceeding has been initiated against him on certain allegations, however, the Petitioner has not received a copy of the charge sheet. Therefore, the Petitioner has approached this Court for a direction to the Opposite Parties to release the pensionary benefit as well as all retiral dues as due and admissible to him.

5. Mr. B.P. Tripathy, learned Additional Government Advocate appearing for the State-Opposite Parties, on instruction, submits that a proceeding was initiated against the Petitioner on the allegation of misappropriation. In the said proceeding, notice was issued to the Petitioner, but he did not participate in the same. The proceeding was culminated in imposing a punishment of recovery of sum of Rs.1105/-. Therefore, his pension papers were processed and sent to the office of the Accountant General for doing the needful therein.

6. In this contest, learned Additional Government Advocate appearing for the State-Opposite Parties placed before this Court the instruction vide letter No.18233/CDM&PHO, Cuttack dated 28.10.2022 of the Chief Medical Officer and Public-Health Officer, Cuttack wherein it has been categorically stated that the pension papers of the Petitioner has been submitted before the Accountant

General (A&E), Odisha, Bhubaneswar vide office letter No.15394 dated 05.09.2022 under intimation to the Petitioner and Opposite Party No.3 in Memo No.15395 dated 05.09.2022 suggesting recovery of misappropriated amount of Rs.1180/- from the gratuity of the Petitioner.

7. In such view of the matter, nothing survives to be adjudicated in the present writ petition. Therefore, the present writ petition is disposed of at the stage of admission by directing the authorities concerned to expedite the process and release the retiral dues and pensionary benefits as due and admissible to the Petitioner expeditiously, preferably within two months from the date of production of certified copy of this order.

8. With the aforesaid observation and direction, this writ petition stands disposed of.

(A.K. Mohapatra)
Judge