

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24112 of 2022

Madhusudan Pattanaik

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.10.2022

Order No

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. U.C. Mahapatra, learned counsel appearing for the Petitioner and Mr. B. Panigrahi, learned Additional Standing Counsel appearing for the State-Opp. Parties.
3. The Petitioner has filed the present writ petition with the following prayer:-

“The Opposite Parties be directed to regularize the service particulars of the Petitioner after re-fixation of his salary in accordance with the provisions of the ORSP Rules, 2008 by updating his Service Book till his date of retirement on 28.02.2014.

Further the Opposite Parties be directed to draw his full salary for the period from January, 2006 to February, 2014 where minimum salary has been drawn in the aforesaid period.

Further the Opposite Parties be directed to release the withheld amount of Rs.1,18,170/- which has been held up without the sanction of law from his salary amount by the O.P. No.4.

Further the Opposite Parties be directed to disburse the final GPF amount in his GPF A/c No.22969 MSD(O) to the petitioner forthwith.

Further the Opposite Parties be directed to draw and disburse his pension and pensionary benefits as per the order of the learned Tribunal at Annexure-2 to save the life and livelihood taking into consideration of his present health hazard position since he is undergoing haemodialysis at present in the interest of justice.

Further the Opposite Parties be directed to pay interest at the admissible rate over the unpaid amount of salary to the Petitioner in the interest of justice.

Further be pleased to pass such other writ(s)/order(s) as may deem just and proper.”

4. It is submitted by the learned counsel for the Petitioner that even though the Petitioner has retired from service on 28.2.2014, but till date, his retiral benefit has not been released in his favour and even the provisional pension has not been sanctioned in his favour. It is further submitted that subsequent to his retirement on 28.02.2014, he was placed under suspension vide order dated 13.2.2015 and a notice was issued on 30.07.2014 for taking action against him by the Principal Secretary to Government, Water Resources Department. The Petitioner challenged the order of suspension as well as the direction given in the notice dated 30.07.2014 before the Odisha Administrative Tribunal, Bhubaneswar in O.A. No.131 of 2014. It is submitted that learned Tribunal vide its order dated 4.5.2016 quashed the said notice dated 30.7.2014 and order dated 13.2.2015 and while quashing the same, directed the Opposite Parties to release the retiral benefits within a period of four months from the date of receipt of the order. It is further submitted that instead of complying the said order, the Opposite Parties challenged the same before this Court in W.P.(C) No.8742 of 2017. It is further submitted that during pendency of the said writ petition, the Opposite Parties even did

not sanction the provisional pension in favour of the petitioner. However, it is submitted that this Court vide order dated 3.8.2022, though dismissed the writ petition filed by Opposite Parties, but till date the retiral benefit of the Petitioner has not yet been sanctioned.

5. On being directed by this Court, Mr. Panigrahi, learned Additional Standing Counsel appearing for the Opposite Parties brought the notice of this Court the communication dated 20.10.2022 issued by the Additional Chief Engineer, Rushikulya, Bahuda Basin, Berhampur, Ganjam. In the said communication, it has been indicated that the order passed by the learned Tribunal will be implemented within a period of three months. A copy of the said communication produced by Mr. Panigrahi be kept on record.

6. In view of such undertaking given by the Additional Chief Engineer, Rushikulya, Bahuda Basin, Berhampur, Ganjam, the Opposite Parties are directed to sanction and release the retiral benefit of the Petitioner as due and admissible to him within a period of three months from the date of receipt a copy of this order. It is also observed that the Petitioner is entitled to get interest at the rate 6% per annum on his arrear pension and retirement gratuity from the date of his entitlement till the date of payment. This Court further directs the Opposite Parties to sanction the provisional pension in favour of the Petitioner within a period of fifteen days from the date of receipt a copy of this order. Petitioner is directed to provide a copy of this order before the Opposite Party

No.1 within a period of seven days from the date of receipt of this order.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Debasis

