

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3679 of 2015

State of Orissa and others

.....

Petitioner

Mr. A.K. Mishra, AGA

Vs.

*Brahmananda Guru and
another*

.....

Opposite Parties

None

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

21.07.2022

Order No.
08.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mishra, learned Additional Government for the State. None appears for Opposite Party No.1 at the time of call.

3. On the earlier occasion, i.e. on 29.06.2022, this Court observed that though opportunity was given to Opposite Party No.1, none appeared on his behalf. Today also none is there on behalf of Opposite Party No.1.

4. On perusal of the record, it appears that the State Authorities have filed this Writ Petition challenging the Order dated 04.01.2013 passed in O.A. No. 933 of 2008, by which the Tribunal directed to update the service records of Opposite Party No.1 and sanction regular pension as well as other retiral dues including DCRG. The Tribunal has also directed to pay interest at the rate of 7 % per annum for the period from 01.04.2006 till the date of actual payment.

5. Mr. A.K. Mishra, learned Additional Government Advocate fairly states that in compliance to the order of the Tribunal, all the benefits have already been extended in favour of the Opposite Party No.1, but so far as interest part is concerned, Opposite Party No.1 is not liable for the interest as he had submitted the defective Pension paper, which was subsequently rectified as has been pleaded in Paragraph-8 of the Writ Petition. Since in the meantime the benefit has already been extended, therefore, the claim for grant of interest may be waived.

6. It appears that interest was directed to be paid on the basis of delayed payment of the retiral benefits. Therefore, this Court is not inclined to interfere with regard to the direction towards grant of interest.

7. Otherwise also, the Writ Petition also suffers from delay and laches in view of the judgment/order of this Court in the case of *State of Odisha v. Surama Manjari Das* (W.P.(C) No. 15763 of 2021 dismissed on 16.07.2021), as because, the impugned order was passed on 04.01.2013, whereas the Writ Petition was filed on 27.02.2015, i.e. after more than two years.

8. Accordingly, the Writ Petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Arun/Banita

(S.K. MISHRA)
JUDGE