

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.3066 of 2018

Raj Kishore Mohanty

....

Petitioner

Mr. A. Satpathy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.11.2022

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 State.
3. The present writ petition has been filed by the petitioner with the following prayer :-

“Under the aforesaid facts and circumstances the applicant prays that the Hon’ble Court may please to grant the following reliefs:

(A) To direct the Respondents to quash the memorandum No.598 dt. 14.05.2007 of PCCF, Odisha and/or

(B) To direct the Respondent to draw the disburse the pension and pensionary benefits of the applicant and to allow the vouchers as indicated under Annexure-4 series along with 10% @ per annum from the date of entitlement till payment is made and the cost of this application.

(C) Any other relief as deems fit under the facts and circumstances of the case in the interest of

justice.”

4. It is submitted by learned counsel for the petitioner that initially the petitioner was appointed as Forester on 30.04.1980 and thereafter, while in service, he got promotion and finally, the petitioner retired from service on attaining the age of superannuation on 30.04.2010. It is further submitted by learned counsel for the petitioner that after retirement of the petitioner, he has not paid his pensionary benefits as due and admissible. It is also submitted by learned counsel for the petitioner that the authorities withheld the pensionary benefits of the petitioner on the ground that disciplinary proceeding is pending against him. However, learned counsel for the petitioner submits that since no such disciplinary proceeding is pending against the petitioner, his pensionary benefits may kindly be disbursed as due and admissible in his favour.

5. Learned counsel for the State, on the other hand, submits that although there was a proceeding initiating against the petitioner, but the same has been dropped in the meantime. He has no objection, if a direction be given to the authority for calculation and disbursement pension and pensionary benefits as due and admissible in favour of the petitioner within a stipulated time.

6. Having heard the contentions made by learned counsel for the respective parties, upon careful consideration of the facts and circumstances of the present case and the limited grievance of the petitioner, this Court disposes of the writ petition with a direction to the Opposite Parties to release the pension, pensionary benefits and arrear pension in favour of the petitioner in a period of two months from the date of communication of an authenticated copy of this order by the petitioner. Failing which the persons responsible for

delay in releasing the pension, pensionary benefits and arrear pension infavour of the petitioner shall be liable to pay interest @ 18% per annum, if there is no legal impediment and as has been directed by the Hon'ble Supreme Court of in the case of D.D. Tewari (D) through L.Rs. vs. Uttar Haryana Bijli Vitran Nigam Ltd., reported in 2015 (1) OLR (SC)-81.

7. It is the responsibility of the Petitioner to serve an authenticated copy of this order on the Competent Authority within a period of ten days.

8. With the above direction, the Writ Petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

