

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 867 of 2018

Gouri Sankar Dash

.....

Petitioner

Mr. D.K. Rath, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

15.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.

3. Heard Mr. R.C. Pattnaik, learned Standing Counsel for School and Mass Education Department.

4. The petitioner has filed this writ petition seeking direction to opposite parties to sanction and disburse the post retirement benefits such as, provisional pension, unutilized salary and provisional gratuity amounts, as due and admissible, along with existing bank interest thereon within a stipulated time.

5. Mr. R.C. Pattnaik, learned Standing Counsel for School and Mass Education Department contended that the petitioner had been convicted by the Special Judge, Vigilance, Berhampur vide P.S. Case No. 14 dated 04.06.2008 under Section 13(2)(d) read with Section 7 of the P.C. Act, 1988 and was dismissed from service w.e.f. 01.03.2014. Against the said order of conviction, the petitioner preferred appeal bearing CRLA No. 57 of 2014, wherein this Court although stayed realization of fine and released the petitioner on bail, but declined to suspend the sentence and conviction.

5. Having heard learned Standing Counsel for the School and Mass Education Department and after going through the records, this Court finds that since the petitioner has been convicted of charge of corruption, if he is allowed to continue to hold office it would impair the morale of the other persons manning such office and consequently that would erode the already shrunk confidence of the people in such public institution, besides demoralizing the other honest public servants who would either be the colleagues or subordinates of the convict person. Therefore, unless the petitioner is acquitted by the competent forum, the benefit cannot be made available to him because as per Rule-33 of Orissa Civil Services (Pension) Rules, 1992, dismissal or removal of government servant from a service or post unless otherwise provides in these rules, shall entail forfeiture of his past service.

6. In such view of the matter, unless CRLA No. 57 of 2014 pending before this Court is finally adjudicated and decided, the order of dismissal is to continue and, as such, the petitioner is not entitled to get any relief, as claimed in the writ petition.

7. Accordingly, the writ petition stands dismissed.

Ashok

(DR. B.R. SARANGI)
JUDGE