

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC(CP) No.399 OF 2018

Kali Kamal Padhy

....

Petitioner(s)
Mr.A.K.Das,
Advocate

-versus-

***Pradeep Kumar Jena, Principal
Secretary to Government, Water
Resources Department, Rajiv
Bhawan, Odisha, Bhubaneswar***

....

Opposite Party(s)
Mr. S.Mishra,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
13.07.2022

Order No.

03.

1. Heard learned counsel for the Parties.
2. This is an application for recalling the order of this Court dated 21.02.2022 in dropping the contempt proceeding, recording the submission of the learned Additional Government Advocate on compliance of the direction of Tribunal in O.A. No.2974 of 2016.
3. In course of submission, it has been established through show cause reply that following the direction of the tribunal, there has been revocation of the suspension order, not only that, there has been also regularization of suspension period. Further on the own submission of the learned counsel for the Petitioner, even though there has been regularization of such period involving the direction of the tribunal but there is no regularization of final pension and pension aspect is still pending consideration and only provisional pension is being paid. Through document at Annexure-6 to the show cause response, this Court finds there has been some progress on the issue of finalization of

pension and through this letter the Petitioner was asked to submit pension paper, joint photograph and also relevant documents for onward transmission of the documents to Government for sanction of pensionary dues to achieve the full compliance of the order of the Tribunal. Entire reading of the show cause response, this Court nowhere finds, there is any averments on the determination of the final pension involving the Petitioner involving the direction of the Tribunal being O.A. No.2974 of 2016.

4. Considering the progress involving direction of the Tribunal, this Court directs the present incumbent as Principal Secretary to Government of Odisha, Water Resources Department, Bhubaneswar to find if the final pension of the Petitioner is determined and arrear, if any, has already been released in favour of the Petitioner. Considering there is substantial delay involving retiral as pensionary dues of the Petitioner, this Court directs, in the event there is no final pension determined as of now, the final pension issue and release of arrear shall be determined within a period of one month from the date of communication of order. If there is delay in release of arrears for no fault of Petitioner, Petitioner shall be entitled to interest at the rate of 7% through out.

5. Petitioner undertakes to serve the copy of this order on the Competent Authority and co-operate in the matter of any further requirement in finalizing pension issue, the Petitioner shall comply the same within a period of seven days.

6. The Contempt Petition stands disposed of.

(Biswanath Rath)
Judge