

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 602 of 2018

Paramananda Mishra **Petitioner**

-versus-

State of Odisha & Ors. **Opposite Parties**

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
20.12.2022**

Order No

06. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. N.N. Satapathy, learned Standing Counsel appearing for the Opp. Parties.

3. Even though the Petitioner has prayed for several reliefs, but learned counsel for the Petitioner confined his prayer with regard to revision of the pay scale of the Petitioner as per ORSP Rules, 2017 and for release of the unutilized leave salary.

4. It is contended that on the last day of his service, the Petitioner since was implicated in a vigilance case, the Opp. Parties are not releasing the retiral benefits nor revising the scale of pay of the Petitioner by extending the benefit of ORSP Rules, 2017. It is accordingly submitted that necessary directions be issued to Opp. Parties to extend the said benefits.

5. Mr. Satapathy, learned Standing Counsel on the other hand submitted that due to his implication in the vigilance case a proceeding has also been initiated against the Petitioner on

20.01.2018. It is accordingly submitted that unless the proceedings are finalized, the Petitioner cannot be sanctioned with the final pension and the gratuity amount. Learned Standing Counsel further submitted that in the meantime the Petitioner has been released with the GPF amount and he is in receipt of provisional pension also.

6. Having heard learned counsel for the Parties and taking into account the nature of claim made by the learned counsel appearing for the Petitioner, this Court while disposing the writ petition, directs the O.P. No. 1 to revise the scale of pay of the Petitioner in accordance with ORSP Rules, 2017 and release the differential arrear salary for the period 01.01.2016 to 30.11.2016 on such revision. O.P. No. 1 is also directed to release the unutilized leave salary of the Petitioner as due and admissible after such re-fixation of his pay under ORSP Rules, 2017. The claim of the Petitioner to get final pension and gratuity amount, however, shall be subject to the final outcome of the vigilance as well as the disciplinary proceeding. O.P. No. 1 is directed to carry out the aforesaid direction within a period of two (2) months from the date of receipt of this order.

7. The writ petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha