

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 835 of 2018

Bhajaman Prasad Das

.....

Petitioner

Mr. S.B. Satpathy, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.B. Satpathy, learned counsel for the petitioner and Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize the period of compulsory retirement to the date of superannuation retirement, i.e., from 03.05.1998 to 31.03.2002 as duty period with consequential financial and service benefits and recalculate the pension and release the same within a stipulated time.

4. Mr. S.B. Satpathy, learned counsel for the petitioner contended that since the benefit has not been extended to the petitioner, he has approached this Court by filing the present writ petition.

5. Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties contended that the financial benefits as admissible to the petitioner has already been extended to him, save and except the final pension, which the petitioner is not entitled because of non-submission of relevant

documents. It is further contended that the cause of action arisen in the year 2002, but the petitioner has approached this Court in the year 2018. Therefore, the writ petition suffers from delay and laches.

6. Having heard learned counsel for the parties and after going through the records, as stated by Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties that all the financial benefits have been extended to the petitioner. So far as the benefit of final pension is concerned, due to non-submission of relevant pension papers, the same has not been extended to the petitioner. Therefore, this writ petition stands disposed of directing the petitioner to submit the relevant pension papers before the authority for determination of final pension, within a period of one month. If such documents are produced before the authority, the same shall be considered by the authority by passing a reasoned and speaking order in accordance with law.

(DR. B.R. SARANGI)
JUDGE

Ashok