

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.2599 of 2018

Mahadev Panda

.... Petitioner

-versus-

State of Odisha & Ors.

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
23.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State- Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) The Hon’ble Tribunal be pleased to direct the respondents to account for the GPF amount deducted from the arrear pay bill dated 30.09.2015 and disburse the same along with interest at the rate of 18% per annum within a stipulated period.

And

(ii) The Hon’ble Tribunal be pleased to direct the respondents that the computerized pay statement, computerized GPF account number and computerized account slip be issued to the applicant with all financial benefits forthwith.

And

(iii) The Hon’ble Tribunal be pleased to direct the respondents that after pay fixation since 1.5.1989 as per ORSP Rules and subsequent ORSP Rules till his retirement dated 31.8.2002, the gross amount so drawn

in each arrear pay bill, 50% of such gross amount must be deposited to his computerized GPF account as per provision made in the GPF Rules, Odisha 1938 and so on.

And

(iv) The Hon'ble Tribunal be pleased to give final withdrawal benefits on the basis of GPF so deducted with interest forthwith.

And

(v) The Hon'ble Tribunal be pleased to pass such other order/orders as is deemed fit and proper under the facts and circumstances of the case".

4. Learned counsel for the Petitioner submitted that the Petitioner has retired from service w.e.f. 31.8.2002, but his service was not regularized with extension of the benefit of revised pay scale because of the pendency of the criminal proceeding.

5. Learned counsel for the Petitioner further submitted that on his acquittal in the said criminal proceeding the service period though was regularized vide order dated 22.10.2007 under Annexure-3, but the benefit as prayed for in the Writ Petition was never extended.

6. Even though no counter affidavit has been filed, but this court after going through the materials available on record finds that the Petitioner prior to approaching this Court has not ventilated his grievance before the authority concerned.

7. In that view of the matter, this Court while disposing the Writ Petition permits the Petitioner to approach the Opposite Party No.1. It is observed that if any such

application is moved within a period of two weeks from today, the Opposite Party No.1 shall take a lawful decision on the same within a further period of two months. On such consideration, if it is found that the Petitioner is entitled to get the relief as prayed for, necessary consequential action be taken by the Opposite Party No.1 within a further period of two months.

8. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

