

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 1192 of 2018

Purna Chandra Mohanty

.....

Petitioner

Mr. M. Pati, 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. The petitioner has filed this writ petition seeking to quash the order under Annexure-7 and to issue direction to the opposite parties to sanction the un-utilized leave salary and provisional gratuity within a time bound period.
3. Learned counsel for the petitioner contended that the petitioner while working as a Junior Clerk in the office of the then DEO, Puri, subjected to a trap case on 06.11.2003 and, therefore, his un-utilized leave salary and provisional gratuity has not been released in his favour.
4. Mr. R.C. Pattnaik, learned Standing Counsel for School and Mass Education Department contended the petitioner was involved in a trap case and, therefore, Vigilance P.S. Case No.61/05.11.2003 under Section 13(2)(d) read with Section 7 of the P.C. Act, 1988 of the Superintendent of Vigilance, Bhubanewar Division, Bhubaneswar is pending against him. Thereby, he is not entitled to such relief, as claimed in the writ petition.
5. Having heard learned counsel for the parties and after going through the records, since the petitioner is involved in a trap case

and subjected to a criminal proceeding vide Vigilance P.S. Case No.61/05.11.2003 under Section 13(2)(d) read with Section 7 of the P.C. Act, 1988, at this stage, this Court is not inclined to issue any direction to the opposite parties for payment of any dues. However, if the petitioner is acquitted from the vigilance case instituted against him, he may pursue his remedy before the appropriate forum in accordance with law.

6. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok

