

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4667 of 2016

Ghanashyama Baliarsingh

Petitioner

Mr. J.K. Khuntia, Advocate

Vs.

State of Odisha and others

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

11.10.2022

Order No.

03

This matter is taken up through hybrid mode.

2. Heard Mr. J.K. Khuntia, learned counsel for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition seeking to quash the order passed by the opposite party no.3 vide Annexure-3 to the writ petition, by which the petitioner was directed to comply the statutory requirements within 15 days of receipt of the letter. The petitioner has further prayed for direction to the opposite parties to grant the benefit of revised scale of pay with effect from 01.01.1996 instead of 01.03.1996 and also release the final pension in favour of the petitioner along with gratuity.

4. Mr. J.K. Khuntia, learned counsel for the petitioner contended that though the petitioner has already retired from service in May 2011, but he has been paid the provisional pension, whereas the final pension has not been released. Therefore, he has approached the tribunal by filing the original application, which was subsequently transferred to this Court and registered as writ petition.

5. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State contended that since the petitioner has not furnished the documents as required under law, such benefits were not released in favour of the petitioner. Accordingly to him as per O.G.F.R. Rule-67; the Earned Leave is to be sanctioned on the strength of E.L. submitted in proper form, i.e. O.G.F.R.3. Since the petitioner has not furnished such information, the final pension could not have been determined.

6. Mr. J.K. Khuntia, learned counsel for the petitioner contended that on receipt of the counter affidavit, the petitioner has already submitted the O.G.F.R.3 on 24.12.2021. Therefore, it is contended that now the final pension may be calculated and paid to him.

7. Having heard learned counsel for the parties and after going through the record, since the petitioner has already complied the statutory requirement as pointed out in the counter affidavit by submitting O.G.F.R.3 Form, it is open to the opposite parties to take necessary step to release the final pension and other benefits as due and admissible to the petitioner within a period of four months from the date of communication of the order.

8. The writ petition is accordingly disposed of.

Arun

(DR. B.R. SARANGI, J.)