

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No.3097 of 2015

Arun Kumar Moharana

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

6.7.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. K.C. Sahu, learned counsel for the petitioner and Mr. Mishra, learned A.G.A.

3. The petitioner is aggrieved by the communication issued by the Collector, Malkanagiri to the Accountant General (A & E), Odisha on 5.11.2015 under Annexure-7 with a direction to withdraw the GPF Account number issued in favour of the petitioner. It is submitted that pursuant to the order passed by the learned Tribunal on 6.2.2013 in O.A. No.534 of 2011 under Annexure-2, the petitioner was extended with the benefit and was covered under the GPF. The petitioner was also allotted with the GPF Account Number 30979 LR(O). It is submitted that subsequently while continuing with the said Account, the impugned communication was issued by the Collector under Annexure-7 directing the Accountant General(A & E) to withdraw the same. It is submitted that while issuing notice of the matter on 30.11.2015, learned Tribunal stayed the operation of the impugned the order dated 5.11.2015 and the petitioner as on date is continuing with the same GPF number with deposits being made. It is also submitted that in spite of interim order passed by the

learned Tribunal, no counter has been filed by the State-Opp. Parties till date.

4. Considering the materials available on record, this Court finds that while implementing the order passed by the learned Tribunal, the petitioner was allowed to be covered under the GPF and was also allotted the GPF number as reflected under Annexure-7.

5. In view of the materials available on record, this Court is of the view that Collector, Malkanagiri has issued the communication under Annexure-7 in violation of the order passed by the learned Tribunal in O.A. No.534 of 2011. Therefore, this Court has no hesitation to quash the same and while quashing the same, this Court directs the Opp. parties to continue with the GPF deduction of the petitioner.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita