

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28021 of 2022

Sashikanta Satpathy

....

Petitioner

Mr. P.K. Mahapatra, Advocate

-versus-

Govt. of Odisha and others

....

Opp. Parties

Mr. P.K. Rout, AGA

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
23.11.2022**

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the record.
3. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Parties for payment of regular pension, T.I. and arrear on pension from the date of issuance of provisional pension i.e. from March 2020 till today.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner has retired from service on attaining the age of superannuation on 15.12.2020. However, before his retirement, a vigilance case was initiated against the Petitioner. Therefore, the Petitioner has been deprived of the retiral benefit except the provisional pension. It is further submitted that the provisional pension was sanctioned w.e.f. the date of his retirement to till date. However, recently the authority stopped the provisional pension.

Referring to Rule-66(3) of the O.C.S. (Pension) Rules, 1992, learned counsel for the Petitioner submits that the Petitioner is entitled to provisional pension from the date of his retirement till a final order is passed in judicial and departmental proceeding. It is further submitted that no final order has been passed till date. Therefore, the Petitioner is entitled to get the provisional pension till the final order has been passed, as has been provided under Rule-66(3) of the O.C.S. (Pension) Rules, 1992.

5. Learned counsel for the State, on the other hand, submits that the prayer for final pension and other service dues are not maintainable since the Petitioner is involved in a criminal case where the trial is going on. However, he does not dispute that the Petitioner is getting the provisional pension from the date of retirement under Rule 66(3) of the O.C.S. (Pension) Rules, 1992.

6. Considering the aforesaid submission, this Court is of the view that the Petitioner is entitled to get the provisional pension till final order is passed in judicial proceeding. Therefore, the authority should not have stopped the payment of provisional pension to the Petitioner.

7. In such view of the matter, the Opposite Party No.4-The Superintendent of Police, Nayagarh is directed to continue with payment of provisional pension of the Petitioner in terms of Rule 66(3) of the O.C.S. (Pension) Rules, 1992 and if there is any arrear of provisional pension, the same be paid to the Petitioner within four weeks from the date of communication of this order. The Petitioner is directed to approach the Opposite Party No.4-the Superintendent of Police, Nayagarh along with the certified copy of this order.

8. With the aforesaid observation and direction, this writ petition

stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Debasis

