

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2797 of 2016

Adikanda Mallik

.....

Petitioner

Mr. S. Prusty, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

Mr. S.K. Patra, Adv.[O.P.No.2]

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. S.K. Patra, learned counsel for opposite party no.2.
4. The petitioner has filed this writ petition claiming pensionary benefits as due and admissible to him in accordance with law.
5. A counter affidavit has been filed by opposite party no.2, in paragraph-5 of which it has been stated as follows:-

“5. That, in reply to this office letter dated 13.06.2006, the PSA vide his letter no.5541 dated 14.07.2006 re-submitted the pension papers of the applicant with a request to release pensioner benefits basing on the qualifying service for more than 10 years in first phase from 16.03.1963 to 28.02.1974 without complying the points raised by this office regarding regularization of long period of absence of past service from 01.03.1974 to 26.06.1992. As such, the pension papers of the applicant was again returned to the PSA vide this office letter no.Pen-2-PR-200/06-07/92 dated 14.08.2006 (Annexure-4 of the O.A.) for re-submission of pension papers with due compliance. Further, it was requested to clarify under which circumstances, the joining report of the applicant was accepted on the event of applicant absconding from service for a long period violating Rule-72(2) of Orissa Service Code. But no further compliance from the PSA

was received in this office so far.”

6. In view of the above statement made in paragraph-5 of the counter affidavit by opposite party no.2, if compliance is made as per the requirement of opposite party no.2, the same shall be considered by opposite party no.2 and pass appropriate order in accordance with law.

7. The writ petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok

