

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28564 of 2022

Padma Charan Bhoi

....

Petitioner

Mr. T. Barik, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. B.P. Tripathy, AGA

Mr. S.K. Patra, SC

(For O.P. No.4)

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

**ORDER
23.11.2022**

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner, learned Additional Government Advocate appearing for the State-Opposite Parties and Mr. S.K. Patra, learned counsel appearing for the Opposite Party No.4.
 3. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Parties for sanction and disbursal of his final pension w.e.f. 30.06.2007 to till date and to disburse the pending final pension/retirement gratuity, GPF dues etc. along with interest in terms of the Orissa Civil Services Pension Rules, 1992.
 4. Learned counsel for the Petitioner submits that the Petitioner while working as A.S.I. of Excise has retired from service on attaining the age of superannuation w.e.f. 30.06.2007. It is further submitted that although more than 1½ decades time have passed in

the meanwhile, but the Petitioner has not yet received his pension and reitral benefits. It is further submitted that no disciplinary or judicial proceeding is pending against the Petitioner. However, due to inaction of the authorities, the Petitioner has been deprived of his pensioary benefits and retiral dues which affects the right to life and livelihood of the Petitioner as guaranteed under Article 21 of the Constitution of India. It is further submitted that the Petitioner is seriously ailing and is bedridden and he is also unable to move. He further submits that son of the Petitioner is mentally unsound and there is no other member who can act on behalf of the Petitioner and pursue the authorities for early sanction and disbursal of pension and other retiral dues. However, because of poor health condition of the Petitioner and precarious financial condition of the family, the Petitioner cannot be deprived of his legitimate dues and the whole family be allowed to suffer.

5. Learned Additional Government Advocate, on the other hand, submits that the delay in sanction of the pensionary benefits and retiral dues are due to non-cooperative attitude of the Petitioner. He further submits that necessary and relevant documents which were required for processing of the Petitioner's dues were not submitted before the authorities for grant of sanction for releasing pensionary benefits as well as other retiral dues.

6. Mr. S.K. Patra, learned Standing Counsel appearing for the Opposite Party No.4-Accountant General of Odisha submits that the Senior Account Officer of the office of the Accountant General of Odisha vide his letter No.245 dated 01.11.2022 requested the Dy. Commissioner (CD), Excise, Cuttack to submit the GPF Final Payment application of the Petitioner bearing GPF Account No.1595

EX(O) and certain other documents were also called for by the office of the Accountant General, which are (i) GPF application Form OTC-80 duly filled in, (ii) NRA Certificate for the entire service period, (iii) OCS Form 5 (A) duly signed by the subscriber & countersigned by DDO and (iv) last fund deduction. This fact was also communicated to the Petitioner by the Excise Deputy Commissioner (C.D.), Cuttack vide his letter dated 1049 dated 15.11.2022. Therefore, the claim of the Petitioner was not processed as certain documents are still lacking. Mr. Patra submits that let those documents be produced before the authority for disbursal of the pensionary and other retiral dues of the Petitioner and thereafter the dues of the Petitioner shall be released in his favour.

7. In reply to the submission made by the learned counsel for the Opposite Parties, learned counsel for the Petitioner submits that the Petitioner is not in a position to attend any office. Therefore, necessary help from the side of the Opposite Party No.2 be extended so that the documents can be executed and submitted before the competent authority. Such a prayer made is on humanitarian ground.

8. Considering the aforesaid submission, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.2 to depute a responsible officer to the residence of the Petitioner who shall execute such documents and submit the same before the Opposite Party No.4 within a period of two weeks from today from the date of production of certified copy of this order. Further, the Opposite Party No.4 is directed to calculate and disburse the final pensionary benefits and other retiral dues payable to the Petitioner within a period of four weeks from the date of receiving the relevant papers which has been sought for vide their letter dated

1.11.2022. It is needless to mention here that the authorities are bound to pay interest on the pensionary and other retiral benefits which shall be payable to the Petitioner considering the fact that the Petitioner although retired from the year 2007 but till date he has not been paid his financial benefits in view of the law laid down by the Hon'ble Supreme Court in the case of ***D.D. Tiwari(D) through Lrs. –v.- Uttar Haryana Bijli Bitaran Nigam, reported in (2014) 8 SCC 894.***

9. The directions issued by this Court are in the peculiar facts and circumstances of this case and shall not be cited as a precedent in future.

10. With the aforesaid observation and direction, this writ petition is disposed of.

11. A free copy of this order be provided to Mr. B.P. Tripathy, learned Additional Government Advocate appearing for the State- Opposite Parties who shall do the needful.

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

(***A.K. Mohapatra***)
Judge