

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28606 of 2022

Ainthu Harijan

....

Petitioner

Mr. Swapnil Roy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. A. Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.11.2022

Order No.

- 01.
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. Perused the record.
 3. The present writ petition has been filed by the petitioner with the following prayers:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit the writ petition and issue Rule “NISI” to the Opp. Parties to show cause as to;

- (i) Why the action of the Opposite Parties is not extending the retiral benefits of the petitioner as due and admissible on the ground of non-finalization of the proposal of Pay Protection/Fixation in the facts and circumstances of the case will not be declared as illegal; and
- (ii) Why the Opposite Parties will not be directed to sanction and disburse the retirement Gratuity, Final Pension, Commuted Pension and Leave Salary as due and admissible in favour of the petitioner forthwith; and
- (iii) Why the Opposite Parties will also not be directed to pay interest at the prevailing Bank interest on

the Gratuity Amount as well as Accumulated Pension Amount within a stipulated time;

And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ/writs and any other order as deem fit be passed;”

4. It is submitted by learned counsel for the petitioner that although the petitioner has retired on attaining age of superannuation, he is not getting retiral dues as well as leave salary and financial benefits as due and admissible in his favour. He further submits that due to delay of Pay Fixation/Protection pay to the petitioner the benefits as well as other service benefits have not been given to him. It is also contended that the petitioner has approached before the authority by filing representation dated 05.12.2021 under Annexure-7 before the Principal Secretary, Water Resources Department, Bhubaneswar-Opposite Party No.1, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim and certified copy of this order before the Principal Secretary, Water Resources Department, Bhubaneswar (Opposite Party No.1) within a period of two weeks from today. In the event such a representation is filed within the

aforesaid period, the same shall be considered in accordance with law within a period of eight weeks from the date of receipt of the representation. The same shall be considered and disposed of by passing a speaking and reasoned order within aforesaid time stipulated. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

Jagabandhu

