

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28875 of 2022

Jambeswar Mohapatra

....

Petitioner

Mr. K.C. Rajguru Mohapatra, Advocate

-versus-

Odisha Forest Development

***Corporation Ltd., Bhubaneswar and
others***

....

Opposite Parties

Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.11.2022

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 Additional Standing Counsel appearing for the State-Opposite Parties.
 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 issue a Writ of Mandamus commanding the opp. parties particularly opp. party No.1 to refund the amount of Rs.17,828.50 with interest as admissible to loan accounts forthwith in consonance with the letter issued by the opp. Party No.3 under Annexure-4 since the amount has been recovered from the salary of the petitioner illegally 21 years ago, even though the

petitioner was not entitle to pay.

*And/or any other order(s)/direction(s) as
your Lordship deem fit and proper.”*

4. It is submitted by the learned counsel for the Petitioner that certain recovery was made while the Petitioner was in service. However, in the meantime, the Petitioner has retired from service on attaining the age of superannuation. It is further submitted that the Petitioner had approached the Opposite Party No.3-Divisional Manager, Odisha Forest Development Corporation Ltd., Boudh (CKL) Division by filing representation on 28.01.2022 under Annexure-3 for refund of the amount deducted from his salary. The Opposite Party No.3-Divisional Manager, Odisha Forest Development Corporation Ltd., Boudh (CKL) Division vide his letter dated 02.02.2022 under Annexure-4, requested the Opposite Party No.1-the Managing Director, OFDC Ltd., Bhubaneswar to take a decision on the application of the Petitioner dated 28.1.2022 in the light of the Memo No.2812 dated 23.10.2019 of the Divisional Manager, OFDC Ltd., Bhanjanagar (C) Division. However, it is submitted that no action has been taken as of now despite the letter issued by the Opposite Party No.3 to Opposite Party No.1 on 02.02.2022.

5. Considering such submission, this Court dispose of this writ petition with a direction to the Opposite Party No.1 to take a decision on the representation of the Petitioner dated 28.1.2022 under Annexure-3 as well as the letter dated 2.2.2022 issued by the Opposite Party No.3 to him under Annexure-4 within a period of four weeks from the date of production of certified copy of this order. The decision so taken thereof shall be communicated to the Petitioner within ten days thereafter.

6. It is observed that if it is found that the Petitioner is entitled to get refund of amount of Rs.17828.50, the same shall be refunded to him within a period of one month from the date of decision taken on the representation of the Petitioner. It is further observed that if it is found that the error committed by the authorities, then the interest at the appropriate rate shall also be paid to the Petitioner.

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

Debasis

*(A.K. Mohapatra)
Judge*

