

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28968 of 2022

Udaynath Swain

Petitioner

Mr. G.C. Swain, Advocate

-versus-

Sate of Odisha and another

Opposite Parties

Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

03.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard the learned counsel for the Petitioner as well as the learned counsel for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with a prayer to quash the order dated 08.11.2021 passed by the Opposite Party No.1-Secretary, Works Department, Lok Seva Bhawan, Bhubaneswar with further prayer to direct the Opposite Party No.1 to take prompt step in the matter of sanction/disburse of provisional pension till conclusion/finalization of Criminal Appeal pending before this Court.

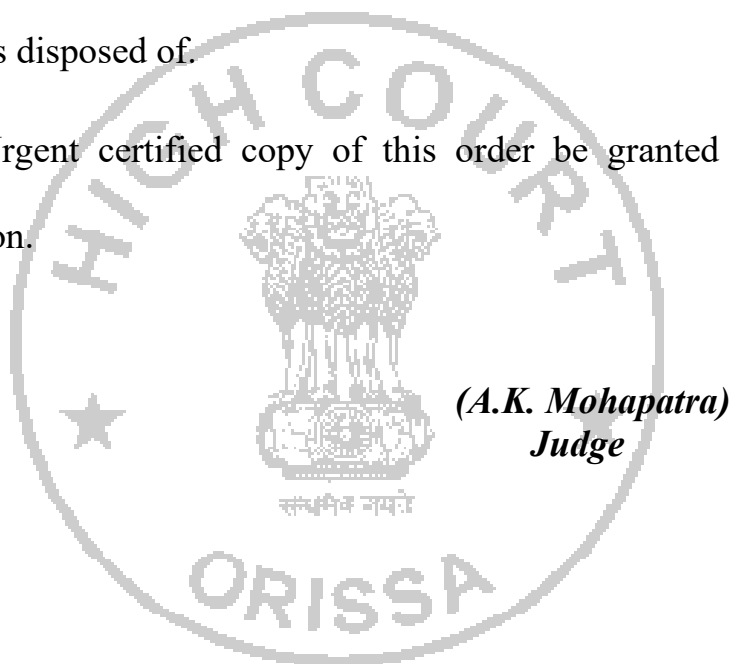
4. Learned counsel for the Petitioner submits that while the Petitioner was in service, he was entangled in a vigilance case and when the Petitioner was convicted in the said vigilance case, he has preferred a criminal appeal, which is stated to be pending before this Court. It is further contended by the learned counsel for the Petitioner that during pendency of the vigilance case, the Petitioner was getting provisional pension. However, after the order was passed by the trial court convicting the Petitioner, his provisional pension has been stopped by the Opposite Party No.1 vide order dated 08.11.2021. It is further contended by the learned counsel for the Petitioner that the Petitioner is aged about 77 years and it is not known when the appeal will be taken up for hearing and in such circumstances, the Petitioner is facing financial difficulties at the fag end of his life. In such view of the matter, learned counsel for the Petitioner prays for a direction to the authorities to provide him provisional pension till his appeal is heard by this Court.

5. Learned Additional Standing Counsel appearing for the State-Opposite Parties submits that the Petitioner has already been convicted by the trial court and his appeal being pending, he is not entitled to get any pensionary and retiral benefits. Therefore, it is submitted that the writ petition is devoid of merit.

6. Considering the submissions made by the respective parties, this Court modifies the order dated 8.11.2021 passed by the Opposite Party No.1-Secretary, Works Department, Lok Seva Bhawan, Bhubaneswar only to the extent that the provisional pension shall be paid to the Petitioner till final decision taken on his appeal by this Court.

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

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



Debasis