

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29122 of 2022

Sri Gyanendra Kumar Patra

....

Petitioner

Mr. P.K. Panda, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. N.K. Praharaj, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.11.2022

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 Government Advocate 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 admit this case, issue notice and after hearing the parties may direct the Opposite Parties to settle and disburse the retiral dues like unutilized leave salary and differential salary of the petitioner for the period of suspension from 15.10.2009 to 07.06.2011 deducting the S.A. already paid and also pay interest at the rate of 12% per annum on his entitlements from the date due to him;

And pass such order(s), direction(s) as would deem fit and proper by this Hon’ble Court.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner while working as District Welfare Officer (D.W.O.) in the

district of Subarnapur has retired from service on attaining the age of superannuation. It is further submitted that although the Petitioner has retired near about 11 years ago, some of the retiral benefits have been given to him. However, the unutilized leave salary and the differential salary which is due and admissible to the Petitioner have not been sanctioned and disburse in his favour. It is further submitted that the Petitioner has already approached the competent authority by filing representations under Annexures-6 and 8. It is further submitted that the competent authority has not taken any decision on the said representations. It is further contended that in a identical matter which was the subject matter of dispute in W.P.(C) No.23721 of 2017, this Court has disposed of the same vide order dated 13.7.2018. It is further submitted that the Petitioner's case is covered by the judgment of this Court as referred hereinabove.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submits that since the matter is pending before the authority, let a direction be issued to the authority to consider the representations of the Petitioner in accordance with law and pass necessary orders within a stipulated period of time.

6. Considering the rival contentions and taking into consideration the limited nature of grievance, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.1 to consider the representations of the Petitioner under Annexure-6 & 8 to the writ petition within a period of six weeks from the date of production of certified copy of this order. Further, the Petitioner is directed to approach before the Opposite Party No.1 along with the certified copy of this order within two weeks from

today and in the event the Petitioner approaches before the Opposite Party No.1 as has been directed hereinabove, the Opposite Party No.1 shall do well to consider of the representations of the Petitioner and in the event it is found that the Petitioner is covered by the judgment in W.P.(C) No.23721 of 2017, then necessary order in accordance with law be passed and if any amount is found payable as claimed by the Petitioner be sanctioned and released in his favour within two months thereafter.

(*A.K. Mohapatra*)
Judge

Debasis

