

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.1159 of 2016

Dr. Narayan Chandra Dey **Petitioner**
Mr. C.S. Panda, Advocate
-versus-
State of Odisha & others **Opp.parties**
Mrs. S. Pattanaik, AGA

CORAM:
JUSTICE M.S.SAHOO

ORDER
27.07.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 06.01.2022, after the Original Application was transferred from the learned Odisha Administrative Tribunal, Principal Bench, Bhubaneswar upon its abolition.
3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices were issued on admission on 21.06.2016 directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter.
4. On 21.06.2016, the learned Tribunal passed the following interim order :

“So far as the prayer for interim relief is concerned, respondents are directed to review the order of suspension in terms of Rule 12(5) of the OCS (CC&A) Rules, 1962 read with Govt. Circular dated 06.03.2010 at Annexure-2 and pass appropriate orders, within two months from the date of receipt of a copy of this order. Further respondents are also directed to draw and disburse the subsistence allowance including the arrears, as due and admissible within a period of one month from the date of receipt of copy of this order.”

5. It is submitted by the learned counsel for the petitioner that as per instruction the petitioner was reinstated in service on 27.07.2016 and had retired from Government Service on attaining age of superannuation on 31.05.2020.

6. It is further submitted that the petitioner due to pendency of the Departmental Proceeding is not getting full pension and has been allowed provisional pension.

7. Learned Additional Government Advocate in response submits that since the Original Application was confined to the aspect of suspension and getting the subsistence allowance, after reinstatement in service, nothing would survive in the present petition for adjudication.

8. Learned counsel for the petitioner seeks liberty to approach the authority/seek remedy available under law for redressal of his grievance regarding receiving his pension as well as continuance of the Disciplinary Proceeding.

9. Having heard the learned counsel for the parties, the writ petition is disposed of granting liberty to the petitioner to seek redressal of his grievances in accordance with law before the appropriate authority/legal forum.

(M.S.Sahoo)
Judge