

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No.549 of 2016

Shyama Charan Mohanty

.... ***Petitioner***
Mr.R.K.Bisoi, Advocate

-versus-

State of Odisha and others

.... ***Opp.Parties***
Mr.P.Bhardwaj, A.S.C.

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
27.09.2022**

Order No.

4.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Bisoi, learned counsel for the Petitioner and Mr.Bharadwaj, learned Additional Standing Counsel for State- Opposite Party No.1. None appears for Opposite Party No.2 i.e. A.G.(A & E), Odisha, Bhubaneswar and also none appears for Opposite Party No.3, who is the Principal of Govt. (Auto) College, Phulbani.
3. It is seen that no counter has been filed by the State authorities. This Court earlier on 28th July, 2022 and 24th August, 2022 had granted opportunity to the State authorities as last chance to file their reply.
4. Mr.Bharadwaj submits that despite the requests sent to Opposite Party No.1, no response has been received from them.

5. The case of the Petitioner is that, he was initially appointed as a Lecturer on 9th March, 1977 in Salipur College and subsequently being selected by Odisha Public Service Commission was appointed on 12th September, 1980 as Lecturer in Political Science in S.C.S College, Puri. During his continuance as such, a disciplinary proceeding was initiated against him on 5th April, 2008, which was finalized on 19th December, 2012 by exonerating him from the charge and treating the period of suspension from 4th February, 2008 to 1st May, 2009 as leave due and admissible. The criminal proceeding initiated for the same reason was also quashed by order dated 6th January, 2014 of this Court passed in BLAPL No.2369 of 2008 and batch. Thereafter the Petitioner retired from service on 31st December, 2011, but till date neither his pension has been finalized nor retirement benefits has been granted to him. Opposite Party No.2 i.e., the A.G. (A & E), Odisha, Bhubaneswar filed their counter stating that service book of the Petitioner has been sent back to the Pension Sanctioning Authority due to some defects therein with query to record the facts regarding withdrawal of antedated benefits granted to the Petitioner, and to resubmit the pension papers along with the service book by recording last pay drawn. But the Pension Sanctioning Authority did not reply since 2018 to the letter of Opposite Party No.2 and therefore, payment of pension and other pensionary benefits could not be finalized by Opposite Party No.2.

6. As per the submission of Mr.Bisoi, learned counsel for the Petitioner as well as Mr.Bharadwaj, learned A.S.C., the Pension Sanctioning Authority is the Secretary to Government in

Higher Education Department, Odisha, Bhubaneswar (Opposite Party No.1). As stated earlier, despite repeated directions issued and opportunities granted, no one responds for Opposite Party No.1. The State authorities did not bother to respond the letter of learned A.S.C. to file their reply.

7. The fact of retirement of the Petitioner from service as a Reader in Political Science of the Government Autonomous College, Phulbani on superannuation on 31st December, 2011 is not disputed. The counter filed by Opposite Party No.2 does not reveal any other impediment for sanction of pension and pensionary benefits in favour of the Petitioner except compliance in the service book and last pay drawn by the Petitioner.

8. In such circumstances, in absence of any reply from the side of Opposite Party No.1 i.e., State of Odisha, Higher Education Department, this Court has no other option rather to allow the writ petition.

9. Accordingly, the writ petition is allowed and Opposite Party Nos.1 and 2 are directed to sanction and disburse the admissible pension and all such pensionary benefits to the Petitioner within a period of four months from the date of receipt of a copy of this order.

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

(B.P. Routray)
Judge