

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.29794 of 2022**

***Ashok Kumar Mahapatra***

....

***Petitioner***

***Mr.Trilochan Nanda, Advocate***

***-versus-***

***State of Odisha and others***

....

***Opposite Parties***

***Mr. A.Behera, A.S.C.***

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**11.11.2022**

**Order No.**

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The Petitioner has filed the present writ application with the following prayer:

“ It is therefore prayed that this Hon’ble Court may graciously be pleased to consider the facts stated in the writ petition, admit the same, issue Rule Nisi calling upon the Opp.Parties to show cause:

- i) Why the Opposite Parties, more particularly O.P.No.3 shall not be directed to release Rs.8,47,332/- with 12% interest per annum in favour of the Petitioner which has been illegally held up from his retirement benefits within a stipulated time by taking into account the exoneration of the petitioner in the Surcharge Proceeding conducted by the Assistant Auditor General of Co-operative Societies, Bolangir Audit Circle, Bolangir.

If the Opp.Parties fail to show cause or show insufficient cause then the rule may kindly be made absolute.

And/or pass any other order/orders, direction/directions, writ/writs as this Hon’ble Court may deem just and proper.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been exonerated in a recovery proceeding. In such view of the matter, learned counsel for the Petitioner submits that the Petitioner wants to make a fresh representation before the Opposite Party No.3, who is the competent authority to take a decision in the matter. It is further submitted by the learned counsel for the Petitioner that for self same charges a criminal proceeding was initiated wherein the Petitioner has neither been named in the F.I.R nor he has been charge sheeted in the said case.

5. Accordingly, the writ application is disposed of at the stage of admission directing the Petitioner to file a fresh representation within a period of two weeks from today before the Opposite party No.3. In such event Opposite Party No.3 shall consider the representation of the Petitioner keeping in view the letter dated 03.11.2022 issued by the Assistant Auditor General of Co-operative Societies in Surcharge Proceeding No.20 of 2020 under Annexure-5 and further shall dispose of the representation by passing a speaking and reasoned order strictly in accordance with law within a period of six weeks from the date of presentation of representation. The decision so taken shall be communicated to the Petitioner two weeks thereafter.

6. With the aforesaid observation, the writ application is disposed of.

7. Issue urgent certified copy of this order as per Rules.