

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29813 of 2022

Manga Panna

....

Petitioner

Mr. B.S. Tripathy(1), Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.11.2022

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 Government Advocate appearing for the State-Opposite Party.
3. This writ petition has been filed by the Petitioner with a prayer to direct the Opposite Parties to release all financial benefits including Pension, Gratuity, Leave Salary, Grade Pay of Rs.6,600/- etc. along with interest @ 18% per annum in his favour.
4. It is submitted by the learned counsel for the Petitioner that although the Petitioner is entitled to pensionary benefits, his Service Book which is sent by the authority to the Government was returned vide office order dated 18.08.2021 of the S.T. & S.C. Development, M & B.C.W. Department. The Joint Secretary to Government of Odisha, S.T. & S.C. Development, M & B.C.W. Department vide his letter dated 18.11.2021 under Annexure-7 has requested the Opposite

Party No.3 to resubmit the pension papers and original Service Book of the Petitioner after updating the same. However, thereafter the authorities have not taken any action. It is further submitted that the Opposite Party No.3 is the competent authority, who will obtain the Service Book and forward the same to the Government for approval, is sitting over the matter and not taking any action on the same. It is further submitted that inaction on the part of the Opposite Party No.3 has caused immense financial difficulties to the Petitioner.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submits that from the letter under Annexure-7, it appears that the Opposite Party No.3 is supposed to resubmit the updated original Service Book of the Petitioner to the Government. Therefore, a direction be given to the Opposite Party No.3 to resubmit the updated original Service Book along with other relevant papers of the Petitioner to the Government for sanction of the pension of the Petitioner within a stipulated period of time so that the claim of the Petitioner could be processed.

6. Considering the aforesaid submission, this Court directs the Opposite Party No.3-Project Leader, Bonda Development Agency, Mudulipada, Malkangiri to expedite the process and resubmit the updated original Service Book of the Petitioner along with other relevant documents to the Government for sanction of pension within a period of four weeks from the date of production of certified copy of this order. Further, it is also directed that the updated Service Book and other relevant papers of the Petitioner are submitted before the Government, the Government of Odisha in S.T. & S.C. Development, M & B.C.W. Department shall take necessary steps for sanction and release of the pensionary benefits as is due and

admissible to the Petitioner within eight weeks, if there is no other legal impediment. Needless to mention here that if the authorities fail to comply with this order with the time stipulated, they shall pay the penal interest as per the law laid down in the case of ***D.D. Tiwari(D) through Lrs. –v.- Uttar Haryana Bijli Bitaran Nigam, reported in (2014) 8 SCC 894.***

7. As this stage, it is submitted by the learned counsel for the Petitioner that the provisional pension which the Petitioner was getting after his superannuation has been stopped by the authorities in the meanwhile. Considering such submission, the authorities are directed to release the provisional pension of the Petitioner since June, 2022 expeditiously as per his entitlement.

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

(***A.K. Mohapatra***)
Judge

Debasis

