

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 251 of 2013

Anil Naik

.....

Petitioner

Mr. S. Behera, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

28.02.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioner states that though the petitioner was due to retire in the month of April, but getting his signature in some papers and utilizing the same as tendering of resignation by the petitioner, the pensionary benefits to the petitioner have been denied.

4. But in the counter affidavit, it has been stated that as per Rule-34 of the OCS (Pension) Rules, 1992, the petitioner is not entitled to the benefits. Whether the petitioner has signed the documents tendering resignation just two months before retirement, the same involves disputed questions of facts. Therefore, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum in accordance with law.

5. With the aforesaid liberty, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok