

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30088 of 2022

Ranjeeta Das

.... ***Petitioner***
Mr. C.S. Panda, Advocate

-versus-

Stae of Odisha and others

.... ***Opp. Parties***
Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, most humbly prayed that this Hon’ble Court may graciously be pleased Admit the writ application, to issue rule *Nisi* calling upon the opposite parties to show cause as to why the prayers made hereunder be not allowed, Upon showing insufficient cause/no cause make the said Rule absolute, Issue writ/writs in the nature of-

Mandamus directing the opp. Parties to take appropriate action for sanction and disbursement of regular pension with other retirement benefits within the period stipulated by this Hon’ble Court.

And the Opp. Parties may be directed to grant and pay penal interest on the delay payment of retirement benefit @ 12% per annum.

And/or may pass such other writ/writs, order/orders, direction/direction as this Hon’ble Court may think fit proper for the ends of justice.”

3. It is submitted by learned counsel for the petitioner that while the petitioner was continuing as the District Social Welfare Officer (DSWO) in the Collectorate, Nabarangpur, has retired from service on attaining the age of superannuation w.e.f. 28.02.2014 and accordingly, the petitioner was relieved from her duties on the aforesaid date. Further, it is submitted by learned counsel for the petitioner that considering upon retirement of the petitioner w.e.f. 28.02.2014, the Collector, Nabarangpur sanctioned provisional pension in favour of her pending issue of final PPO and GPO by the Accountant General, Odisha. Thereafter, pension papers of the petitioner were submitted and the Collector, Nabarangpur transmitted the same to the Opposite Party No.1, who is the pension Sanctioning Authority (PSA). So far as the present petitioner is concerned, further the Collector, Nabarangpur requested the pension sanctioning authority to sanction unutilized leave salary in favour of her. However, it is alleged by learned counsel for the petitioner that no action was taken for sanctioning the regular pension and releasing the unutilized leave salary. Thereafter, although several reminders sent to the Opposite Party No.1, who is pension sanctioning authority, however, no action has been taken on such reminders.

4. It is further contended by learned counsel for the petitioner that while working as in-charge DSWO, Balasore, the petitioner was entangled in Balasore Vigilance P.S. Case No.6 dated 15.02.2011 for the offence punishable under Section 13(2)(c) read with Section 13(1)(d) of the P.C. Act, 1988 and Sections 120-B/420 of the I.P.C. initiated against the petitioner and the same was pending before the learned Special Judge(Vigilance), Balasore. It is also submitted that after conclusion of the investigation of the above noted Vigilance case, DSP Vigilance Unit Bhubaneswar has submitted final form wherein he has stated that no irregularities have been committed by the petitioner with regard to tender process, selection of bidders for procurement of

standard Arhar Dal under the MDM and Supplementary Nutrition Programme (SNP). Further, it has been mentioned in the final report of the investigation that the allegations made in the aforesaid case and there was no contrary to substantiate the same. Accordingly, the final form was submitted by showing the F.I.R. dated 18.08.2020 as mistake of fact. Therefore, it is submitted by learned counsel for the petitioner that the petitioner has been exonerated from the above noted vigilance case without having final charge-sheet to implicate her in the alleged offence. However, the opposite party has not taken any steps to sanction and disburse the regular pensionary benefits as due and admissible to the petitioner.

5. Learned counsel for the State, on the other hand, submits that since the petitioner was entangled in the Vigilance case, there was only sanction of provisional pension by the Collector, Nabarangpur and regular pensionary benefits and other retiral dues was withheld for the vigilance case. He further submits that in the event vigilance case attained finality after submission of final form, it is open for the petitioner to approach the concerned authority and in such event the competent authority shall pass necessary orders in accordance with law to sanction and release the pensionary benefits as well as unutilized leave salary as due and admissible to her within a time frame to be stipulated by this court.

6. Considering the rival contentions made and the argument advanced by the by the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to approach the Opposite Party No.1 by filing a detailed representation along with supporting documents within a period of three weeks from today. In the event such representation is filed, the opposite party no.1 shall do well to consider the same in accordance

with law within period of eight weeks from the date of receipt of the representation along with certified copy of this order.

7. Further, Opposite Party Nos.1 is directed to calculate arrear dues as on today and payable to the petitioner within a period of eight weeks from the date of production of a certified copy of this order by the Petitioner, failing which, for the delay in releasing the pension, pensionary benefits and arrears of salary as is due and admissible in favour of the Petitioner, the Opposite Parties shall be liable to pay interest @ 12% per annum, if there is no legal impediment and as has been directed by Hon'ble Supreme Court in the case of ***D.D. Tewari (D) through L.Rs. vs. Uttar Haryana Bijli Vitran Nigam Ltd.***, reported in ***2015 (1) OLR (SC)-81***.

8. It is the responsibility of the Petitioner to serve an authenticated copy of this order on the Competent Authority within a period of three weeks.

9. With the above direction, the Writ Petition stands disposed of.

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

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