

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30144 of 2022

Ranjan Behera

....

Petitioner

Ms.Saswati Mohapatra, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr.P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate. Perused the writ application along with the documents annexed to the writ application.
3. The present writ application has been filed for a direction to the Opposite parties to release the retiral as well as pensionary benefit in favour of the Petitioner along with interest at the rate of 18% interest within a stipulated period of time.
4. It is submitted by Miss Mohapatra, learned counsel for the Petitioner that the Petitioner who was working as a driver under the Tahsildar, Borigumma retired from service on attaining the age of superannuation on 30.06.2013 but till date the Petitioner has not received any pensionary benefit. It is further contended by the learned counsel for the Petitioner that there is no departmental proceeding or criminal proceeding pending against the Petitioner.

Further referring to letter dated 30.03.2022 under Annexure-4 issued under the signature of Additional District Magistrate, Koraput, learned counsel for the Petitioner submits that the authorities are working in a very casual and careless manner. Referring to the subject matter, she submits that it is not the family pension of the Petitioner as the Petitioner is alive and the dispute relates to his pensionary benefit. Further, in the 2nd paragraph of the said letter, it has been stated by the Additional District Magistrate, Koraput himself that the Tahsildar, Borigumma while furnishing the pension papers of the present petitioner has furnished the LPC of another person namely Sri Gopal Krushna Bhatt, Retired Head Master, Khuntapalla Primary School. Therefore vide letter dated 30.03.2022 the Additional District Magistrate asked the Tahsildar to forward the correct LPC of the present Petitioner. **It is further contended by the learned counsel for the Petitioner that the matter has sock up because of careless attitude of the authority which is apparent on the face of the record.**

3. Learned Additional Government Advocate on the other hand submits that the defect which has been pointed out by the A.D.M., Koraput has not been rectified by the Tahsildar and further submits that since the defect will be cured the claim of the Petitioner shall be processed and he shall be paid his dues as is admissible under law.

4. Considering the aforesaid submissions and factual background as well as the conduct of the Opposite parties and considering the case of a retired Government employee, who after serving for a long time has been waiting for almost nine years to get his legitimate dues, this Court condemns the conduct of the responsible Government Officers, particularly the manner in which they have conducted in the present case. Further, considering the aforesaid fact this Court, in the

interest of justice directs the Collector, Koraput, Opposite Party No.2 to look into the matter and ensure that the Petitioner gets his retiral as well as pensionary benefit as is due and admissible within a period of two months from the date of production of certified copy of this order. Further, this Court is of the opinion that because of laches and delay the Petitioner is entitled to get interest on the delayed payment of his retiral dues. Accordingly, it is directed that the Opposite Parties shall pay interest at the rate of 8% (eight percent) per annum from the date of retirement till the actual payment is made to the Petitioner.

5. With the aforesaid observation the writ application is disposed of.
6. Issue urgent certified copy of this order as per Rules.

RKS

