

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No.1327 of 2017

Uma Devi

....

Petitioner

-versus-

State of Odisha & Others.

**Opposite
Parties**

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.09.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. N.K. Mohapatra, learned counsel for the petitioner and Mr. N.N. Satapathy, learned Standing Counsel.
- 3.** It is submitted that the petitioner while continuing as a Classical teacher in the office of Opp. Party No.4, she retired from service w.e.f 31.1.2012. It is further submitted that after his retirement though her pension papers were forwarded with issuance of NDC before opp. Party no.5, but the retirement benefit were kept withheld due to non-clearance of admitted loan amount availed by the petitioner during his service period amounting to Rs.2,50,000/-. Mr.

Mohapatra, learned counsel for the petitioner brought to the notice of this Court the letter issued by the Headmaster under Annexure-5. It is submitted that in the said order, the exact amount to be deposited by the petitioner was never indicated nor it was never communicated to the petitioner by any of the opp. Parties. Therefore, only on the ground of non-payment of loan amount of Rs.2,50,000/-, the entire pensionary benefits of the petitioner should not have been kept withheld. It is also submitted that the petitioner is ready and willing to clear the said amount as due and admissible with interest.

4. Even though notice of the Writ Petition was issued on 24.8.2017, but no counter affidavit has been filed by the opp. Parties. Mr. Satpathy, learned Standing Counsel appearing for the opp. Parties submitted that due to non-payment of the admitted dues, the retirement benefit of the petitioner has not been released.

5. After going through the materials available on record, this Court finds that save and except the payment of aforesaid loan amount along

with interest, if any, there is no other outstanding as against the petitioner. Therefore, only on the ground of non-refund of the amount of Rs.2,50,000/- with interest, the opp. Parties should not have kept withheld the entire retirement benefit of the petitioner as due and admissible. Therefore, this Court while disposing the writ petition directs the opp. Parties more particularly, opp. Party No.5 to sanction and release the retirement benefit of the petitioner as due and admissible by deducting a sum of Rs.2,50,000/- with interest as accrued thereon. The entire benefit shall be released in favour of the petitioner within a period of three months from the date of receipt of this order. However, since for non-refund of the loan amount of Rs.2,50,000/-, the entire retirement benefit of the petitioner has been kept withheld, the retiral benefits as due and admissible shall carry interest @ 6% all through. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

6. The Writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

sangita

