

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAPC) No.38 of 2012

Mirza Alamgiri Biag

....

Petitioner

Mr. C.N. Nandy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.02.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. The present writ petition has been filed with the following prayer:-

“To direct the respondents to release the pensionary benefits in the scale of pay attached to Senior Assistant Pension, gratuity etc. treating the period of removal from the date on 03.09.1985 under Annexure-1, as continuing in services till the scheduled period of retirement as the qualifying service of the applicant for calculation of pension within a stipulate time as this Ho’nble Tribunal may deem fit and proper.

To direct the respondents to release the arrear salary from the date of removal till the date of schedule retirement within a stipulated period as this Hon’ble

Tribunal may deem fit and proper.

To pass any other order(s), direction(s) as this
Hon'ble Tribunal may deem fit and proper.”

4. Learned counsel for the Petitioner submits that till date, no pensionary benefits in the scale of pay, as claimed by the Petitioner, has been paid to the Petitioner.

5. This application had initially been filed before the Odisha Administrative Tribunal and after abolition of the Tribunal, this matter has been transferred to this Court and registered as writ petition.

6. It is seen that nine years have been passed in the meantime. It is expected that the grievance of the Petitioner must have been redressed by now. Therefore, relief sought for in the writ petition must have become infructuous with the passage of time.

7. However, if the relief sought for has not been granted in the meantime, the Opposite Parties are directed to immediately disburse the dues as admissible and payable to the Petitioner as per law within a period of two months from the date of production of certified copy of this order.

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

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

10. A free copy of this order be handed over to the learned Additional Standing Counsel for the State, who shall communicate the same to the competent authority to carry out the order.