

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 4227 of 2013

Maheswar Nanda

....

Petitioner

Mr. Amiya Kumar Mishra(2),
Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr. Rajesh Tripathy, Addl. Standing
Counsel

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
07.03.2022**

Order No.

01.

This matter is taken up through hybrid mode.

The writ petition has been registered before this Court on 7th December, 2021, after the original application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

On perusal of the available order sheets of the learned Tribunal, it is indicated that the matter was never taken up for admission before the learned Tribunal during the entire pendency of the petition for period of nine years.

The petitioner in the original application has claimed for payment of interest @ 18% on his retiral dues which he has received late, after retirement on attaining age of superannuation on 31.03.2002. The details of the payments received by the petitioner as indicated in the petition is quoted herein:-

- i. *Gratuity of Rs.59,350/- (out of total Rs.97,350/- by deducting Rs.38,000/- towards recovery amount as Annexure-3) paid on 09.01.2009.*
- ii. *Commutation of pension of Rs.1,23,387/- paid on 09.01.2009.*
- iii. *U.L. of Rs.58,314/- paid on 27.12.2010.*
- iv. *Final Pension was paid w.e.f. 09.01.2009.*

It is further indicated in the original application that the original applications bearing O.A. No.2297(c)/2008 and O.A. No.1437(c)/2009 were also filed by the petitioner. In O.A. No.2297(c)/2008, the petitioner had challenged the order No.621 dated 02.03.2002 initiating departmental proceeding proposing to recover an amount of Rs.62,917/- under Rule 15(4) of the OCS (CCA) Rules, 1962, also challenging order dated 19.02.2008 directing recovery of Rs.38,000/-. It is submitted that the other original application i.e. O.A. No.1437(c)/2009 is still pending as submitted by the learned counsel for the petitioner.

It is submitted by the learned counsel for the petitioner that he may be permitted to withdraw the present writ petition to move the authority for redressal of his grievances in accordance with law.

It is submitted by the learned Addl. Standing Counsel that any representation that would be made by the petitioner shall be considered in accordance with law by the authority and shall be disposed of in due time.

Accordingly, the writ petition is disposed of granting liberty to the petitioner as prayed for.

It is clarified that this Court has not expressed any opinion regarding the merits of the case in any manner whatsoever.

(M. S. Sahoo)
Judge