

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.31779 of 2022**

***Baidhar Naik***

....

***Petitioner***

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

***-versus-***

***State of Odisha and others***

....

***Opposite Parties***

***Mr. P.K. Rout, AGA***

**CORAM:  
JUSTICE A.K. MOHAPATRA**

**ORDER  
28.11.2022**

**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 Additional Government Advocate appearing for the State-Opposite Parties.
3. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Parties to grant and pay penal interest on the delayed payment of retirement benefits such as pension and gratuity @ 12% per annum.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner has retired from service on 29.2.2020 while working as Assistant Consolidation Officer. Prior to his retirement, a disciplinary proceeding was initiated against him in the year 1993. The said proceeding continued even after retirement of the Petitioner

and the same culminated by imposing punishment on the Petitioner on 22.4.2006. Thereafter, the Petitioner approached the Odisha Administrative Tribunal challenging the order of disciplinary authority by filing a O.A. No.664 of 2006 and the said O.A. was disposed of vide order dated 13.3.2018 by the Odisha Administrative Tribunal with an observation that the order was passed by the Member, Board of Revenue, Odisha, who is not competent to issue such order. Therefore, the impugned order was quashed by the Tribunal with a consequential direction to the authorities to pay the consequential benefits as due and admissible to the Petitioner. Despite such clear order by the Tribunal, the authorities did not implement the same. Further, due to inaction of the authorities in implementing the Tribunal's order dated 13.3.2018, compelled the Petitioner to approach this Court by filing W.P.(C) No.6999 of 2021. The said writ petition has been disposed of vide order dated 24.02.2021 by directing the authorities to work out the direction of the Tribunal passed in O.A. No.664 of 2006 within a period of one month from the date of order. It is further submitted that after the order dated 24.2.2021 passed by this Court in the aforesaid writ petition, the authorities have although clear the dues, however, they have not paid the interest which has compelled to the Petitioner to approach this Court by filing this writ petition. It is further submitted

that the Petitioner is entitled to get interest on his retiral as well as pensionary benefits for delay in disbursing from the date of his retirement.

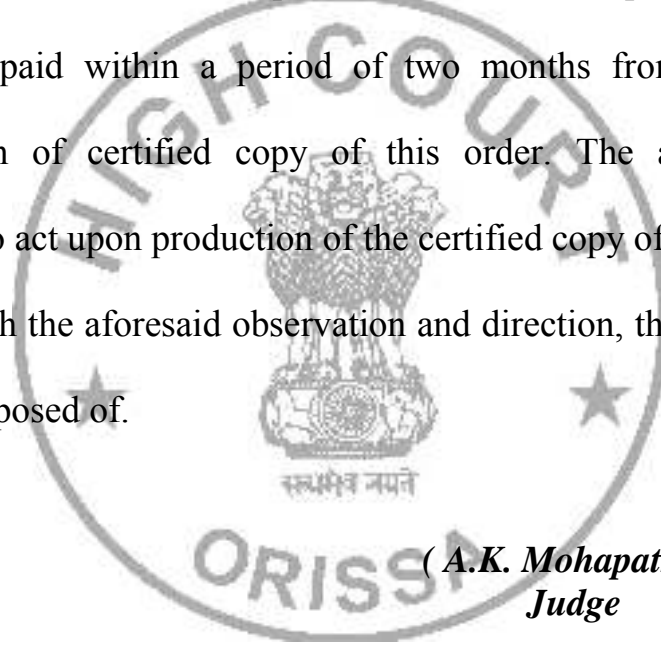
5. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, submits that in the disciplinary proceeding, the Petitioner was found guilty. Thereafter, the same was set aside in the year 2008 by the Tribunal and pursuant to the order passed by this Court in W.P.(C) No.6999 of 2021, the benefit have been worked out and disburse in favour of the Petitioner.

6. Having heard the learned counsel for the parties, this Court is of the considered view that no direction can be issued to the authorities compelling to pay interest from the date of retirement of the Petitioner as a proceeding was pending against the Petitioner and the same culminated in imposing punishment on the Petitioner. Further, the order was challenged by the Petitioner before the Tribunal and the Tribunal finally decided the matter in the year 2018 by setting aside the impugned order passed by the Disciplinary Authority. Therefore, the Petitioner is entitled to get the interest from the date the Tribunal disposed of the matter vide order dated 13.3.2018. The submission of the learned Additional Government Advocate that the Petitioner is entitled the interest from the date of

disposal of the writ petition bearing W.P.(C) No.6999 of 2021, i.e. w.e.f. 24.2.2021, is also not acceptable by this Court.

7. Considering the submissions made by the learned counsels for the parties, this Court directs the Opposite Parties to pay interest to the Petitioner from the date of disposal of the O.A. No.664 of 2006 by the Tribunal on 13.3.2018. Therefore, the Opposite Party No.1 is directed to calculate, sanction and disburse interest for detailed payment w.e.f. 13.3.2018 upto the date of actual payment and the same be paid within a period of two months from the date of production of certified copy of this order. The authorities are directed to act upon production of the certified copy of this order.

8. With the aforesaid observation and direction, this writ petition stands disposed of.



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