

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 563 of 2019

Kartik Chandra Behera

.....

Petitioner

Mr. N.K. Mahapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed by this writ petition seeking direction to the opposite parties to sanction and disburse final pension and gratuity with interest @ 7% p.a. and to release the unutilized leave salary and commuted value of pension to the petitioner and other retiral dues.

4. The opposite parties have already filed counter, copy of which has been served on the learned counsel for the Petitioner. The Petitioner retired from Govt. service on superannuation w.e.f.- 31.03.2017. His grievance is that the respondents have deducted a sum of Rs. 94,663/- from his pension amount. Learned counsel for the petitioner submits that it was not within the jurisdiction of the opposite parties to deduct anything from the pension of the applicant unless responsibility is fixed on the petitioner in a regularly constituted disciplinary proceeding. Admittedly, that has not been done as yet. Since the petitioner has already retired from

service in the month of March 2017 the period of limitation for initiation of disciplinary proceeding against him has also expired, therefore, no disciplinary proceeding can now be initiated against the Petitioner. Recovery of Rs. 94,663/- from the pension amount payable to the petitioner, therefore, is illegal on very face of it. The assessment of recovery, as mentioned at Annexure-4, therefore, stands quashed. The opposite parties are directed to release the balance amount of Rs.94,663/- in favour of the petitioner within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of.

Arun

(DR. B.R. SARANGI)
JUDGE

