

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**WPC (OAC) NO.205 OF 2019**

**Sachidananda Das**

....

**Petitioner**

-versus-

**State of Odisha & Others**

....

**Opp. Parties**

**COROM:**  
**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**Order No**

**10.10.2022**

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. G. Sinha, learned counsel for the Petitioner and Mr. Balabantaray, learned Standing Counsel appearing for the opp. parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

*“to direct the respondents to release the Final Pension, Gratuity amount 300 days Leave Salary and Commuted value of pension and other pensionary benefit and to direct the Respondents to release the Final Pension, Gratuity, 300 days leave salary and commuted value of pension along with interest @18% on the same and further be pleased to direct the respondents to promote the applicant to the rank of OAS (Super time scale) with effect from the date his immediate junior was promoted”*
4. It is submitted that pursuant to the order passed by the learned Tribunal on 16.2.2018 under Annexure-1, the proceeding initiated against the petitioner was dropped vide order dated 18.7.2018 under Annexure-3. It is submitted that in spite of such order passed under Annexure-3, the pensionary benefits of the petitioner has not yet been disbursed even though he has retired since 31.10.2008.

5. Even though the notice of the writ petition has been issued by the learned Tribunal on 20.6.2019, but no counter affidavit has been filed.

6. Taking into account the fact that the petitioner is a retired employee , having been retired since 31.10.2008 and the proceeding initiated against him was dropped vide order dated 18.7.2018, this Court finds that non-release of the pensionary benefits by the opp. parties is not just and proper. Therefore, this court while disposing the writ petition directs the opp. parties to take effective steps for disbursement of the retirement benefit of the petitioner as due and admissible within a period of three months from the date of receipt of this order. It is also observed that the petitioner for the period expiring 18.07.2018 till the date of payment, shall be entitled to get interest @ 6% per annum on such retiral dues.

7. The Writ Petition is accordingly disposed of.

**(Biraja Prasanna Satapathy)**  
**Judge**

sangita

