

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33577 of 2022

Narayan Behera

..... Petitioner

Mr. A. Mohanty, Advocate

-versus-

State of Odisha and another

..... Opp. Parties

Mr. T.K. Pattanaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.12.2022

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 counsel for the State. Perused the record as well as documents annexed to the writ petition.
3. The present writ petition has been filed by the petitioner with a prayer for a direction to the Opposite Parties to sanction and disburse the pensionary benefits as due and admissible to the petitioner within a stipulated period of time from the date of his retirement i.e. 31.01.2006 till the date of actual payment along with interest.
4. It is submitted by learned counsel for the petitioner that although the petitioner has retired from his service on attaining age of superannuation i.e. 31.01.2006, he is not getting pensionary benefits and other retiral dues as due and admissible till date. Therefore, he prays for a direction to the opposite parties to sanction and disburse the pensionary benefits and other retiral dues as due and admissible in favour of the petitioner within a stipulated period of time along with interest.
5. Learned counsel for the State, on the other hand, submits that the

petitioner may be directed to approach before the competent authority, who shall decide the case of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties, this Court disposes of the writ petition, at the stage of admission, by directing the petitioner to file a fresh representation within a period of two weeks from today along with supporting documents before the Secretary, Odisha Hydro Power Corporation, Government of Odisha, Bhubaneswar-Opposite Party No.2 and in the event such a representation is filed within aforesaid time, it is further directed that the Opposite Party No.2 shall do well to look into the grievance of the petitioner and take a decision on the representation of the petitioner in accordance with law within a period of six weeks from the date of production of certified copy of this order along with relevant documents. It is needless to mention here that the fresh representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Further, it is directed that in the event the petitioner is entitled to get pensionary as well as retirement benefits, the same shall be paid to the petitioner within eight weeks from the date of taking a decision on the representation of the petitioner. The decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge