

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35044 of 2022

Saroja Kumar Praharaj *Petitioner*
Mr. Sukants Ku. Mishra, Advocate
-versus-
State of Odisha and others *Opposite Parties*
Mr. B.P.Tripathy, A.G.A.

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

Order No.

**ORDER
23.12.2022**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate. Perused the writ application and the documents annexed thereto.
3. The present writ application has been filed by the Petitioner with the following prayer:

“Under the above circumstances, it is therefore humbly prayed that this Hon’ble Court may be graciously pleased to direct the Opposite Parties to release the Pension of the Petitioner from 01.07.2013 and other pensionary benefits with the interest @ 10% per annum in view of the decision of this Hon’ble Court dated 30.08.2018 in the case of State of Odisha and others versus Niranjana Biswal passed in W.P.(C) No.6267 of 2018 confirmed by the Hon’ble Apex Court in SLP No.28065 of 2019 disposed of on 18.05.2022.

And further this Hon’ble Court be pleased to direct the Opp.Parties to release the arrear pension thereof in favour of the Petitioner, failing which the Petitioner will be highly

prejudiced.

And/or pass any other appropriate writ/writs, order/orders and direction/directions in the fitness of the case;

4. It is submitted by the learned counsel for the Petitioner that the present case is covered by an order passed by the Orissa Administrative Tribunal in O.A.No.1763(C) of 2016 disposed of on 04.05.2016. In such view of the matter, learned counsel for the Petitioner prays that the authorities be directed to consider the grievance of the Petitioner and release the benefits as has been claimed by the Petitioner in the writ application within a stipulated period of time.

5. Learned Additional Government Advocate on the other submits that the matter is subjudiced before the competent authority. Let the authority be directed to consider the same in accordance with law.

6. Considering the aforesaid submissions of the learned counsel for the respective parties, the Petitioner is directed to file a fresh representation taking all the grounds available with him before the Collector, Kalahandi, Opposite Party no.2. In the event such representation is filed before the Opposite Party No.2 within two weeks, the same shall be considered in accordance with law. The Opposite Party No.2 shall do well to dispose of the representation of the Petitioner within a period of six weeks from the date of filing of the representation. Further, the Opposite Party No.2 is directed to act on production of certified copy of this order. The decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within two weeks thereafter.

7. Further, in the event it is found that the Petitioner is entitled to the claim as prayed for, the same shall be released in favour of the

Petitioner within four weeks thereafter.

8. With the above observation, the writ application stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

