IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No. 31051 of 2024

Kanhu Charan Das .... ***Petitioner***

Mr. R. Mohanty, Advocate

-versus-

State of Odisha & Others .... ***Opp. Parties***

Mr. D. Nayak, AGA

CORAM:
THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

Order No. **20.12.2024**

01. 1. Heard learned counsel for Petitioner and the State.

2. By means of this application, the Petitioner prays for the following relief:-

> **"**It is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to issue RULE NISI calling upon the Opp. Parties to show cause as to why appropriate writ / writs, order / orders, direction / directions shall not be issued to the Opp. Parties, in particular the opp. party no. 3 and 4 to take diligent steps so as to release 100 percent of payable amount of gratuity in favour of the petitioner in terms of sub-rule-(4), clause-(a), subclause-(ii) of Rule-65 of the OCS

Pension Rules, 1992, as amended in the year 2023, withholding 10 percent of such gratuity amount to be calculated on the basis of last pay drawn and, further to show cause as to why direction shall not be issued to the Opp. Party No. 3 and 4 to forward the pension papers of the petitioner to the office of the A.G., Odisha for issue of authorization in the form of PRO / GPO enabling the petitioner to get his pension finalized and avail all such post retrial benefits including the commuted value of pension, as due and admissible, within a time stipulated period as this Hon'ble Court pleases to fix and upon perusal of the causes shown, if any, or upon insufficient causes shown, make this Rule NISI absolute and pass such other order/ orders as is deem just and proper.

And for this act of kindness, the petitioner shall, as in duty bound, ever pray."

3. It is contended by the learned counsel for the Petitioner that the Petitioner joined as VLW (PEO) on 31.03.1986 and continued in the said post on the date of his retirement from the Government w.e.f. 31.05.2023 and accordingly the Petitioner has rendered service for a period of more than 37 years and the entire period of his service remained unblemished. However, despite the retirement of the Petitioner from the Government service, the Office of the B.D.O., Puri Sadar, who is required to prepare the pension paper in accordance with the rule did

not prepare as yet although the Petitioner has complied his part of obligation as required for preparation of pension paper. It is further contended by the learned counsel for the Petitioner that pursuant to the amendment carried out in Rule 65 of OCS (Pension) Rule-1992 notified in Finance Department as per Notification bearing No.26635 dated 22.09.2023, where under, in sub-rule (4) Clause (a), sub-clause (ii) it has been substituted and provided that the Pension Sanctioning Authority is under the obligation to release provisional gratuity withholding 10% of such gratuity pending finalization of pension. Since the Petitioner was in dire need of money, he made a representation before the authority i.e. Opposite Parties Nos. 3 & 4 on 28.05.2024. Pursuant to the said representation of the Petitioner, the Office of the Collector through the District Panchayat Officer, Puri wrote a letter to the B.D.O., Puri Sadar forwarding the grievance of the Petitioner with a request to follow the Odisha Pension Rule, 1992 and favour the Petitioner in disbursing the pensionary benefit and report compliance. It is also submitted by the learned counsel for the Petitioner that in the meanwhile the Petitioner has already been disbursed

with the GPF and unutilized leave salary. However, the gratuity and the pension has not been disbursed.

4. In view of the above, it is directed that the Opposite Party No.3 i.e. the Collector and District Magistrate, Puri shall impress upon the Opposite Party No.4 i.e. Block Development Officer, Sadar Block, Puri to ensure the disbursal of the pension and the gratuity in accordance with the amended provisions of Pension Rule 1992 within a period of one month upon furnishing an order of this Court and shall communicate the result to the Petitioner within a period of two weeks thereafter. The Writ Petition is accordingly disposed of.

(Chittaranjan Dash)
Judge

Bijay

Signature Not Verified
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Signed by: BIJAY KETAN SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 20-Dec-2024 17:21:44