

19.8.2015

Misc.Case No.19289 of 2014

This is an application for modification of the order dated 25.6.2013.

Heard Mr.Santosh Kumar Pattnaik, learned Sr.Advocate for the petitioner and Mr .B.K.Pattnaik, learned counsel for the opposite party.

By order dated 25.6.2013, a Division Bench of this Court in Misc.Case No.8638 of 2013 directed the opposite party to pay 50% of the pension as payable to the petitioner, during pendency of the writ application, regularly every month including the arrear from the date of his retirement. It was further directed that the said payment shall be made within one month from the date of the order and for the said purpose, a formal application shall be filed by the petitioner. It was observed that the aforesaid order shall be subject to final decision of the writ application.

Mr.Pattnaik, learned Sr.Advocate for the petitioner argues with vehemence that the petitioner has retired from service. He has no other source of livelihood except pension, gratuity and leave salary. He has two grown up daughters, who are at the marriageable age. All the savings of the petitioner have been seized by the Vigilance Department. Unless 90% of the pension and gratuity is released, the petitioner will be subject to insurmountable hardship. Thus, a direction may be issued to the opposite party to pay 90% pension.

Mr.B.K.Pattnaik, learned counsel for the opposite parties opposes the prayer made by the learned counsel for the petitioner.

The punishment passed by the disciplinary authority is impugned in the writ application. Considering the plight of the petitioner, the Division Bench of this Court by order dated 25.6.2013 directed to pay 50% pension.

Since the writ application is otherwise ready for hearing, it is not possible to pass any interim order at this stage.

List this matter before the assigned Bench.

Dr.A.K.Rath, J.