IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 12482 of 2026
CNR No.ODHC010289372026

Pradeep Kumar Sahoo	***.....***	***Petitioner***
		Mr. S. Mallik, Advocate
	-versus-	
State of Odisha & Ors.	***.....***	***Opposite Parties***
		Mr. A. Tripathy, AGA
		Mr. S.K. Patra, Adv.

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
28.10.2026

Order No. 04

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Parties.

3. Pursuant to order dated 23.07.2026, learned counsel appearing for the Petitioner fairly contended that after his retirement from service, Petitioner has already been sanctioned with the provisional pension, unutilized leave salary and so also the commuted value of pension as due and admissible.

3.1. However, basing on audit objection, gratuity as due and admissible has not yet been released nor final pension paper has been submitted before the Accountant General-Opp. Party No.4 as yet.

3.2. Learned counsel appearing for the Petitioner contended that basing on audit objection, no recovery can be made and that too from the gratuity entitlement. It is contended that since no such recovery has been determined as against the Petitioner by

following due procedure of law, basing on audit objection, gratuity amount of Petitioner could not have been withheld and so also sanction of final pension.

3.3. It is accordingly contended that Opp. Party No.2 be directed to submit the pension papers to the office of Opp. Party No.4, for sanction of final pension and gratuity as due and admissible in favour of the Petitioner within a stipulated time period.

4. Taking into account the fact that Petitioner has retired since 31.07.2025, Mr. S.K. Patra, learned counsel appearing for the Accountant General fairly contended that no pension papers have yet been received in the office of Opp. Party No.4.

4.1. It is contended that on such receipt of the pension papers, appropriate action will be taken to sanction pension and gratuity in favour of the Petitioner.

5. Mr. A. Tripathy, learned AGA on the other hand contended that since Petitioner is not complying with the audit objection, where Petitioner has been held liable to pay some amount, gratuity and final pension has yet been sanctioned with submission of the pension papers.

6. Having heard learned counsel for the Parties and considering the submission made, it is found that Petitioner on his retirement from service w.e.f. 31.07.2025, has been sanctioned with the provisional pension, commuted value of pension and so also unutilized leave salary.

6.1. However, basing on audit objection where the Petitioner has been held liable for refund of some amount, gratuity and final pension has not yet been sanctioned. It is the view of this Court

that since no recovery against the Petitioner has been determined by following due procedure of law, basing on audit objection, gratuity and final pension cannot be withheld.

6.2. Therefore, this Court while disposing of the Writ Petition, directs Opp. Party Nos.2 & 3 to take appropriate steps for sanction of final pension and gratuity in favour of the Petitioner by submitting the pension papers as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of this order.

6.3. On such receipt of the pension papers, Opp. Party No.4 shall take appropriate steps to sanction of the same within a period of six (6) weeks from the date of receipt of the pension papers from the office of Opp. Party Nos.2 & 3.

6.4. However, it is open for Opp. Party Nos.2 & 3 to determine the amount payable by the Petitioner towards any liability so raised in the audit objection in accordance with law, in which this Court expresses no opinion.

7. With the aforesaid observation, direction and liberty, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti

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Reason: Authentication
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