IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37147 of 2026
(CNR No. ODHC010874192026)

Guru Prasad Mohanty …. Petitioner

Dr. Jitendra Kumar Lenka, Advocate

-Versus -

State of Odisha & Others …. Opposite Parties

Mrs. Siva Mohanty, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **09.11.2026**

01. 1. Heard Dr. Lenka, learned counsel for the petitioner and Mrs. Mohanty, learned ASC for the State.

2. Instant writ petition is filed by the petitioner for a direction to the opposite parties to sanction and release the final pension, gratuity and all other admissible retiral dues in his favour withheld since retirement on 31st May, 2019 payable with interest on the grounds stated.

3. The petitioner retired from service from a non-Governmental institution on 31st May, 2019 as made to reveal from Annexure-2 and received provisional pension sanctioned vide Annexure-3. The submission is that the petitioner was denied final pension and it was on the premise of a Vigilance case pending against him. However, Dr. Lenka, learned counsel refers to the letter of the Superintendent of Police (Vigilance), Cuttack Division, Cuttack as at Annexure-5 addressed to the Principal, Kendrapada Autonomous College,

Kendrapara to show that a final report for mistake of fact has been submitted in the Court of Special Judge, Vigilance, Cuttack with the submission that the petitioner is entitled to final pension even though no such order has been passed thereon as on today. The Court's order dated 21st September, 2026 in W.P.(C) No.17479 of 2025 is produced by Dr. Lenka, learned counsel to claim further with the submission that the petitioner is on a better footing and hence, entitled to final pension.

4. Recorded the submission of Mrs. Mohanty, learned ASC for the State.

5. The petitioner is said to have approached the Authority concerned with a representation i.e. Annexure-10. It is made to understand from Annexure-8 that the final pension has been withheld and not released in favour of the petitioner due to pendency of the Vigilance case.

6. In course of hearing, Dr. Lenka, learned counsel further refers to the Home Department's Letter dated 22nd August, 2024 at Annexure-9 to claim that a criminal proceeding is deemed to have been pending at the time of retirement only if there is any cognizance order passed by the criminal court for an offence against a Government employee. The submission is that the petitioner is not a government servant retired as the Principal-cum-Secretary, Kendrapada Autonomous College, Kendrapara and the submission of Dr. Lenka, learned counsel is that the provisions of the OCS (CCA) Rules are not applicable to him. Nonetheless,

considering the letter addressed to the Principal, Kendrapada Autonomous College, Kendrapara at Annexure-5, it is made to reveal that a final report is submitted in the Court of learned Special Judge, Vigilance, Cuttack. It is fairly admitted by Dr. Lenka, learned counsel that on such submission of final report, no order has been passed. Nevertheless, it can be said that there has been no cognizance order as on the date of retirement of the petitioner. In view of the Government's Letter as at Annexure-9 applicable to the Government servants governed by the OCS (CCA) Pension Rules and that in absence of an order of cognizance, a criminal proceeding shall be deemed to be not pending against a Government Servant, applying the analogy and that the petitioner being a non-government employee retired in the meantime and there has been a final report against him revealed from Annexure-5, this Court finds no reason not to release final pension in his favour and other retiral dues as admissible to him.

7. Hence, it is ordered.

8. In the result, the writ petition stands disposed of with a direction to opposite party No.1 to immediately release the final pension in favour of the petitioner at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

Signature Not Verified
Digitally Signed
Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 16-Nov-2026 13:28:33

(R.K. Pattanaik)
Judge