



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.6040 of 2025

Baikuntha Nath Das

.....

Petitioner

Represented By Adv. –
Mr. Pritam Kumar
Mohanty

-versus-

State Of Odisha and others

.....

Opposite Parties

Represented By Adv. –
Mr. M.R. Mohanty, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
24.03.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with a prayer for a direction to the Opposite Parties not to recover the amount pursuant to letter dated 11.09.2024 and 23.10.2024 passed by the Opposite Party No.2 and 3 respectively under Annexure-3 Series and to quash such orders.
4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner was allowed to retire from service on attaining the age of superannuation w.e.f. 17.04.2020. Thereafter, the



Opposite Party No.2-Superintendent of Police, Signal, State Police Signals Head Quarters, Cuttack issued a letter dated 11.09.2024 to the Accountant General (A&E), Odisha, Bhubaneswar regarding recovery of over drawl amount i.e. Rs.9,376/- from the Petitioner. Similarly, the Petitioner received a letter from the office of the Principal Accountant General (A&E), Odisha, Opposite Party No.3 intimating him that a sum of Rs.9,376/- shall be recovered from his pensionary benefits under Annexure-3 dated 23.10.2024. Learned counsel for the Petitioner, at this juncture, contended that before passing an order of recovery, no opportunity of personal hearing was given to the Petitioner to explain his position. In such view of the matter, learned counsel for the Petitioner submitted that the aforesaid two orders are in complete violation of principle of natural justice and, as such the same should be quashed.

5. Learned counsel for the State, on the other hand, contended that since some amount was overdrawn, the Opposite Parties have not committed any illegality in initiating recovery of the amount from the pensionary benefits of the Petitioner. In such view of the matter, learned counsel for the State submitted that the Opposite Parties have not committed any illegality in passing the orders under Annexure-3 Series to the writ petition.

6. Having heard the learned counsels appearing for the respective parties and on a careful examination of the background facts as well as the materials annexed to the writ



petition, this Court observes that by virtue of impugned order an amount of Rs.9,376/- is sought to be recovered from the pensionary benefits of the present Petitioner. However, there is nothing on record to reveal that an opportunity of hearing was given to the Petitioner before passing such orders. In such view of the matter, this Court deems it proper to dispose of the writ petition at the stage of admission by directing the Opposite Parties to keep in abeyance the orders under Annexure-3 Series to the writ petition for a period of two months. In the meantime, on production of a certified copy of this order before the Opposite Party No.2, the Opposite Party No.2 shall consider the grievance of the Petitioner and pass necessary orders after providing an opportunity of personal hearing to the Petitioner within the aforesaid time. In the event it is found by the Opposite Party No.2 that the recovery is justified, then the orders under Annexure-3 Series shall not be modified. However, in the event the Opposite Party No.2 comes to a conclusion that the decision to recovery the amount from the Petitioner has been made erroneously, then necessary follow up orders be passed by modifying the order under Annexure-3 Series to the writ petition within the aforesaid time.

7. With the aforesaid observation and direction the writ petition stands disposed of.

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 27-Mar-2025 12:55:02



(*A.K. Mohapatra*)
Judge