



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8119 of 2025

Rama Chandra Panda

.....

Petitioner

Represented By Adv. -
Sisir Kumar Purohit

-versus-

1) State Of Odisha

.....

Opposite Parties

- 2) Collector, Sambalpur
- 3) Sub Collector, Sambalpur
- 4) Tahasildar, Jujumura
- 5) Civil Supplies Officer, Sambalpur

Represented By Adv. -

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 the learned Additional Standing Counsel for the State. Perused the Writ Petition as well as the documents annexed thereto.
3. The Petitioner has filed the present Writ Petition with the following prayer:

"It is therefore prayed that your Lordships may be graciously pleased to admit this case, issue notice to the Opp.Parties asking them to show cause as to why, the service book of the Petitioner



has not been prepared till date and why the Petitioner shall not be paid his pensionary dues by condoning the gap period between the Anti-smuggling Guard and Process Server service and on hearing the Opp.Parties, if they fail to show any cause or insufficient cause, then direct the Opp.Parties to prepare the service book at the level of the O.P.No.4 and O.P.No.5 within a time frame, direct the O.P.No.4 to club the earlier service of Anti-Smuggling Guard period for the purpose pension, regularise the service book for calculating the arrears of in service dues and sanction and pay the pensionary retiral dues of final pension, gratuity, unutilised leave salary etc. within a time frame along with interest over the same at the rate of 18% per annum as accepted by the O.Ps at Annexure-19 and 20, within a scheduled time frame;

And, pass any such other/further order(s) as deemed fit and proper by Your Lordships in the aforesaid facts and circumstances of this case;

And allow this writ petition with cost;”

4. It is stated by the learned counsel for the Petitioner that initially the Petitioner joined as Anti-Smuggling Guard under Opposite Party No.5 vide order dated 12.09.1973. While working as such the Petitioner was retrenched from service in the year 1978. He further contended that again the Petitioner was appointed as Process Server under Opposite Party No.4 with effect from 31.05.1978. He further contended that the service rendered by the Petitioner earlier as Anti-Smuggling Guard was allowed to be taken into consideration for the purpose of calculation of qualifying period of service of the Petitioner by the Revenue Department vide letter dated 01.01.1975 and break period of service was condoned by the Government.

5. Learned counsel for the Petitioner contended that while the



Petitioner was working as Process Server under Opposite Party no.4 he was given promotion to the post of Revenue Collection Moharir and subsequently he was promoted to the post of Assistant Revenue Inspector. With regard to the service benefits, learned counsel for the Petitioner submitted that in the year 2009 since the service book of the Petitioner was not received by the competent authority, a direction was given by the Tahsildar to the Petitioner to submit his original School Leaving Certificate to take a decision with regard to the date of birth of the Petitioner. He further contended that in the aforesaid context several communications took place amongst the Opposite Parties. Finally, while working as such the Petitioner has retired from service on attaining the age of superannuation with effect from 30.06.2012. He further contended that after his retirement from service and pursuant to the order of Opposite Party No.2 the Petitioner is getting provisional pension of Rs.3500/- per month with effect from 10.08.2012. He further contended that although the Petitioner approached the Opposite Parties on several occasions to pay his arrear dues as well as the pensionary benefit as is due and admissible to the Petitioner, however no final decision was taken awaiting the service book of the Petitioner. He further contended that the Opposite Parties who are responsible to maintain such service book, as the custodian of the Service Book, misplaced such service book somewhere for which the Petitioner is suffering. Despite the approach of the Petitioner his service book has not been recreated, except the provisional pension of Rs.3500/- which has been extended in favour of the Petitioner since 10.08.2012 . Learned counsel for the Petitioner further contended that the last representation of the Petitioner was filed before Opposite Party No.2 on 18.11.2024



with a prayer to sanction and disburse his retiral dues as well as final pensionary benefit. Since no action has been taken on such representation of the Petitioner and the Petitioner is not getting his arrear dues and pensionary benefit, the Petitioner has approached this Court by filing the present Writ Petition.

6. In course of his argument, learned counsel for the Petitioner referring to the P.G.P.A. Department Circular No.7029 dated 20.12.2019 contended that the Petitioner is entitled to get 18% interest for delayed payment on his retiral dues.

7. Learned Additional Standing Counsel for the State on the other hand contended that although he has no instruction in the matter, however, on perusal of the Writ Petition, it appears that the grievance of the Petitioner is still pending before the Opposite Party No.2, who is the competent authority to take a decision in the matter. He has no objection if this Court directs the Opposite Party No.2 to redress the grievance of the Petitioner by taking necessary steps as expeditiously as possible in accordance with law.

8. Considering the submissions made by the learned counsels for the respective parties, on careful examination of the background of the present case, further keeping in view the grievance of the Petitioner involved in the present Writ Petition, this Court is of the considered view that since the Petitioner is not getting his final pension as well as arrear dues for the last 12 years, issuance of notice at this stage would further delay in petitioner getting his legitimate dues. Therefore, this Court deems it proper to dispose of the Writ Petition at the stage of admission with the following directions:



i) On production of certified copy of this order, the Opposite Parties shall take necessary steps to prepare a duplicate service book of the Petitioner in the event the same is missing, with the active cooperation of the Petitioner.

ii) Upon preparation of the duplicate service book, the Opposite Parties shall calculate, sanction of arrear benefits as is due and admissible to the Petitioner taking into consideration the increment etc. as is admissible to the Petitioner.

iii) Upon finalisation of the pay of the Petitioner the Opposite Parties shall calculate the arrear dues of the Petitioner and sanction the same.

iv) The final pension as is due and admissible to the Petitioner on the basis of his final pay shall also pay calculate, sanction as expeditiously as possible.

9. Finally this Court directs that after following the aforesaid procedure, the entire financial and service benefits as is due and admissible to the Petitioner be calculated, sanctioned and disbursed in favour of the Petitioner within three months from the date of communication of this order. Further, it is directed that since the Opposite Parties are the custodian of the Service Book and the delay was on account of misplacing of service book of the Petitioner, then the Opposite Parties shall make the payment along with interest as has been directed in the case of ***Chittaranjan Senapati v. State of Odisha and another*** in ***W.P.(C) No.20808 of 2024*** within the aforesaid stipulated period of time and the Petitioner be informed from time to time with



regard to the progress in the matter.

10. With the aforesaid observation/direction, the Writ Petition is disposed of.

11. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR
SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 26-Mar-2025 17:34:23