



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.13423 of 2026

Hemanta Kumar Rout

.....

Petitioner

Represented by Adv. -
Sarat Chandra Dash

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
S.K. Parhi, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

06.05.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel appearing for the State- Opposite Parties. Perused the writ application as well as the documents annexed thereto.

3. The Petitioner has filed the present writ application with the following prayer:

“Under the above circumstances, it is therefore humbly prayed that this Hon'ble Court may be graciously pleased to direct the opposite parties to release the final pension, Gratuity and other retirement benefits of the petitioner including all the arrears with interest without any further delay;

And/or pass any other appropriate writ/writs, order/ orders and direction/directions in the fitness of the case.”



4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner, who was working as Principal in-charge of Vyasaganagar college, has retired from service on attaining the age of superannuation with effect from 31.05.2019. Four years after his retirement, the Petitioner was served with a memorandum of charge wherein a disciplinary proceeding was initiated against him on the basis of an audit report as per Annexure-2. Being aggrieved by such initiation of the disciplinary proceeding, on the basis of the audit report, after his retirement, the Petitioner approached this court by filing W.P.(C) No.18704 of 2024. Such writ application was taken up by a Coordinate Bench of this Court and by virtue of order dated 29.08.2024 at Annexure-3, the entire disciplinary proceeding, including the charges claimed against the Petitioner, was quashed.

5. While the matter stood thus, learned counsel for the Petitioner contended that the Government of Odisha, Finance Department vide office OM dated 22.08.1991 has issued a circular to the effect that the findings in an audit report will not impose any liability on the Government servant unless the same is established in a Departmental proceeding initiated against him under the OCS (CCA) Rules, 1962. After disposal of the earlier writ application, the Petitioner approached the Opposite Party No.2 as well as Opposite Party No.4 along with a copy of the judgment dated 03.09.2024 with a prayer to release his final pension, gratuity and other retiral dues

6. Learned counsel for the Petitioner further contended that the Opposite Party No.2, i.e., the Director of Higher Education asked the Opposite Party No.4 to submit the pension proposal of the Petitioner for sanction of final pension and gratuity as per the rules.



Similarly, Opposite Party No.2 called upon the Petitioner to comply with the objections made in the Special Audit Report 04/IAR (Internal Audit Report 2019) and Special Audit Report 01/AR (Audit Report) 2021-2022. Learned counsel for the Petitioner further contended that in the meantime the Petitioner has already submitted his compliance to the audit objection. He further submitted that the Petitioner has also submitted the documents for forwarding of the pension proposal to the competent authority. It is further contended that despite submission of such documents, the Opposite Party No.4 has not forwarded the pension proposal of the Petitioner to the Opposite Party No.2. Being aggrieved by such conduct, the Petitioner again approached this Court by filing W.P.(C) No.2952 of 2025. A Coordinate Bench of this Court vide order dated 12.02.2025, again disposed of the said writ application directing the Opposite Party No.4 to take a decision on the request of Opposite Party No.2. Since the order passed by this Court on 12.02.2025 was not complied with, the Petitioner was compelled to approach this court by filing CONTC No.1670 of 2025 which was disposed of on 24.06.2025 granting further time to the Opposite Party-contemnor to comply with the order passed by this Court.

7. Finally, learned counsel for the Petitioner contended that the Petitioner came to learn that the pension papers have already been submitted by the Opposite Party No.4 to the Opposite Party No.2 in the meantime, however, no final decision has been taken on such pension papers of the petitioner. As a result, the Petitioner is deprived of his legitimate dues towards pensionary benefit as well as gratuity. He further contended that in the meantime, the time granted by this court earlier has already expired. Being aggrieved



by such inaction of the Opposite Party No.2, the Petitioner has approached this court by filing the present writ application.

8. Learned counsel for the State, on the other hand, contended that although he has no specific instruction in the matter, however, taking into consideration the averments made in the writ application, and the documents annexed therein, it is found that the Petitioner has already approached the competent authority for redressal of his grievance and for sanction and disbursement of his pensionary as well as gratuity benefits. He further contended that in the event, no final decision has been taken on such pension proposal of the Petitioner, he will have no objection if this Court directs the Opposite Party No.2 to take a final decision in the matter in accordance with law, within a stipulated time.

9. Considering the submissions made by learned counsels for the respective parties, on a careful examination of the documents annexed to the writ application, further keeping in view the limited nature of the grievance involved in the writ application, this Court deems it proper to dispose of the writ application at the stage of admission by directing the Opposite Party No.2 to take prompt steps for redressal of the grievance of the Petitioner. It is further directed that in the event the Petitioner is entitled to the pensionary benefit as well as gratuity, as is due and admissible to him and in the absence of any other legal impediment, necessary steps shall be taken by the Opposite Party No.2 to ensure that such benefits are released in favour of the petitioner as expeditiously as possible, preferably within a period of eight weeks from the date of communication of a copy of today's order. It is further made clear that in the event it is found that there are delays and latches on the



part of the concerned authority, then interest as is permissible under the law be also sanctioned and released in favour of the Petitioner on the outstanding dues, within the aforesaid time. Any decision taken by the Opposite Party be communicated to the Petitioner from time to time.

10. With the aforesaid observations/ directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 12-May-2026 10:50:51

