



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.12365 of 2026

Baikuntha Nath Moharana

.....

Petitioner

Represented by Adv. -
Pragyan Paramita
Mohanty

-versus-

State Of Odisha and others

.....

Opposite Parties

Represented by Adv. –
Mr. U.C. Jena, ASC

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

05.05.2026

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 Additional Standing Counsel for the State-Opposite Parties. Perused the writ petition as well as documents annexed thereto.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Therefore, it is prayed that, the writ petition may be admitted, the records may be called for and after hearing the parties the same may be allowed; quashing the order under Annexure-2 and 3;

AND

by granting any other order/orders or direction /direction so as to give complete relief to the petitioner;

And for which act of kindness, the petitioner shall as in duty bound, ever pray.”



4. Learned counsel for the Petitioner at the outset contended that the Petitioner while working as Primary School Teacher as retired from service on attaining the age of the superannuation with effect from 30.04.2011. He further contended after his retirement the Petitioner received all his retirement dues that he is getting his pensionary benefits.

5. While the matter stood thus, the Block Education Officer, Opposite Party No.4 has written a letter to the Opposite Party No.5 on 16.02.2026 at Annexure-3 indicating therein that a negative balance has been detected in the GPF account of the Petitioner. As such the Opposite Party No. 5 has been requested to recover the amount from the pensionary benefits to the present Petitioner. He further contended that such decision of the Opposite Party No.4 has already been communicated to the Petitioner. Being aggrieved by such decision of the Opposite Party No.4, the Petitioner has approached this Court by filing the present writ application.

6. While assailing the impugned letter dated 16.02.2026 at Annexure-3, learned counsel for the Petitioner at the outset contended that the Opposite Parties have not followed the principles of natural justice and no opportunity was given to the Petitioner before taking a decision to recover the negative balance from the pensionary benefits dues of the Petitioner. In such view of the matter, learned counsel for the Petitioner contended that the conduct of Opposite Parties is unsustainable in law.

7. Learned counsel for the State on the other hand contended that although a decision has been taken by the Opposite Party No.4 however, the same has not been acted upon as the same is



not evident from the writ application. He further contended that the Petitioner has approached this Court with a prayer to Opposite Party No.4, who is the competent authority, to take a decision so far the present Petitioner is concerned.

8. In such view of the matter, learned counsel for the State contended that in the event the Petitioner approaches the Opposite Party No.4 by filing a representation and this Court directs the Opposite Party No.4 to consider the grievance of the Petitioner in accordance with law, he will have no objection to the same.

9. Having regard to the submissions made by learned counsel appearing for the respective Parties on a careful examination of the background fact and further taking note of the limited nature of the grievance, this Court deems it proper to dispose of the writ petition at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.4 by filing a detailed representation taking therein all the grounds along with supporting documents within a period of three weeks from today. In such eventuality, the Opposite Party No.4 shall do well to consider the representation of the Petitioner in accordance with law and the applicable rules and dispose of the same by passing a speaking and reasoned order within eight weeks thereafter. It is further directed that till disposal of the representation or for a period of two months, whichever is later, no recovery shall be made from the pensionary benefits of the present Petitioner. The final decision so taken by the Opposite Party No.4 shall be communicated to the Petitioner within ten days thereafter.



10. With the aforesaid observation/ direction, the writ application stands disposed of.

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

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-May-2026 13:17:49

