



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.19951 of 2019

***Dhananjaya Moharana***

Petitioner

Mr. Srikar Ku. Rath,
Advocate

-versus-

***State of Odisha & Ors.***

Opposite Parties

Mr. M.R. Mohanty, AGA,
Mr. Dayananda Mohapatra,
Sr. Advocate
along with Mr. A. Dash, Advocate,
(for O.P. No.3)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

09.07.2025

Order No.07

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Rath, learned counsel appearing for the Petitioner, Mr. M.R.Mohanty, learned Additional Government Advocate appearing for the State/Opposite Parties and Mr. Dayananda Mohapatra, learned Senior Advocate along with Mr. A. Dash, Advocate appearing for Opposite Party No.3.
3. On the oral prayer made by the learned counsel appearing for the Petitioner, he is permitted to implead the Governing Body represented by the Sub-Collector, Kalahandi as Opposite Party No.4 in Court today. The instruction provided by the learned Additional Government Advocated be kept on record.



4. Petitioner has filed the present writ petition *inter alia* with the following prayers:-

“The petitioner, therefore prays that this Hon’ble Court may kindly be pleased to issue writ of mandamus in directing the opposite party No.3 the Principal of the College to countersign the Petition papers and other related papers of the petitioner as in Annexure-4 series within 7 days from the date of receipt of the order of this Hon’ble Court;

Further this Hon’ble court may direct the opposite party to finalize, (i) Provisional Pension, (ii) Payment Provident fund dues GIF, (iii) Grand Insurance Payment, (iv) Payment differential arrear salary arising fixation as MACP and Incremental dues from January, 2019 to June, 2019 (v) Granting and other retirement dues within period of one month;

And also may direct to release monthly final pension within two months thereafter;

And pass any other writ/ writs, order/ orders, direction/ directions as this Hon’ble Court deems just, fit equitable and proper in the facts and circumstances of the present case.”

5. It is contended that even though Petitioner has retired since 30.06.2019, but he is not getting the final pension and gratuity as on date. Petitioner after his retirement is only in receipt of the provisional pension as due and admissible. It is accordingly contended that appropriate direction be issued to Opposite Party Nos. 3 and 4 to submit the pension papers of the Petitioner and thereby enabling him to get the final pension and gratuity.



6. Learned counsel appearing for the College-Opposite Party No.3 basing on the stand taken in the counter affidavit, contended that after his retirement, since Petitioner did not produce the records which were with him during his continuance as Head Clerk of the College, his pension papers were not submitted. Petitioner instead of repeated reminders also never produced those records till he produced some of them in the year, 2022. It is contended that even after receipt of such records from the Petitioner, Petitioner is required to submit further records, which was intimated to him vide different letters and the last such letter has been issued on 11.04.2025 under Annexure-C/3.

6.1. It is contended that unless and until Petitioner produce the record/documents so indicated in the letter dated 11.04.2025 under Annexure-C/3, the College is not in a position to submit the pension papers, as documents showing utilization of UGC grant to the tune of Rs.1,29,48,228/- is involved. It is accordingly contended that as and when Petitioner will provide the records/documents as reflected in letter dated 11.04.2025 under Annexure-C/3, his pension papers will be duly submitted with issuance of the NOC.

7. Similar contention was also raised by the learned Additional Government basing on the



instruction received by him from the Principal of the College, Opposite Party No.3.

8. To the stand taken in the counter affidavit filed by the College and the instruction provided by the learned Additional Government, learned counsel appearing for the Petitioner contended that the Petitioner has already submitted all the records and he is not required to produce any further record nor any records is available with him. It is also contended that Petitioner is no way involved with regard to utilization of the UGC Grant.

9. Having heard learned counsel appearing for the Parties, considering the dispute involved and the fact that the Petitioner is not getting his final pension and gratuity, even though he has retired since 30.06.2019, this Court in order to resolve the dispute is inclined to direct the Petitioner and the Opposite Party No.3 to appear before Opposite Party No.4 with regard to the requirements of the Petitioner to produce the records/ documents indicated in letter dated 11.04.2025 under Annexure-C/3.

9.1. In order to avoid delay, Petitioner and Opposite Party No.3 are directed to appear before the Opposite Party No.4 on 23rd July 2025. On their appearance, Opposite Party No.4 shall take a decision as to whether in terms of the letter dated 11.04.2025, Petitioner is required to produce any further records/ documents.



9.2. Petitioner is also permitted to give his reply to letter dated 11.04.2025 before Opposite Party No.4, which shall be taken into consideration by the said Opposite Party. Opposite Party No.4 is directed to take a decision with regard to the production of the records by the Petitioner as indicated in letter dated 11.04.2025 within a period of four (4) weeks from the date receipt of the reply. If on due appreciation, it will be found that the Petitioner is not required to produce any further records/documents, consequential steps be taken to submit the pension papers within a further period of four (4) weeks.

10. The Writ Petition is disposed of accordingly.

(BIRAJA PRASANNA SATAPATHY)
Judge

Narayan