



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23038 of 2024

Sarat Chandra Mohanty

.... **Petitioner**

Mr. K.K. Swain, Advocate

-Versus-

State of Odisha and others

.... **Opposite party**

Mr. N.K. Praharaj, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.09.2024

Order No.

01.

1. Heard Mr. Swain, learned counsel for the petitioner.

2. Instant writ petition is filed by the petitioner challenging the impugned order of punishment under Annexure-11 and consequential order as at Annexure-12 and to direct the opposite parties to grant him pension and other retiral benefits as per the provisions of the OCS (Pension) Rules from the date of his retirement w.e.f. 31st March, 2014 with such other relief on the grounds stated.

3. Mr. Swain, learned counsel for the petitioner submits that the order of termination under Annexure-11 is not legally tenable, inasmuch as, the departmental proceeding was initiated as per the provisions of OCS(CCA) Rules and on superannuation, it was to be dealt with as per Rule 7 of the Odisha Pension Rules and at best, the penalty could have been withholding of pension and not termination, hence, therefore the impugned decision is illegal so also the consequential order i.e. Annexure-12, whereby, pension and other retiral benefits have been denied to him.



4. Mr. Praharaj, learned AGA for the State justifies the impugned order i.e. Annexure-11 and submits that the disciplinary proceeding was pending as on the date of superannuation and it was directed to be disposed of within a stipulated period which has been accomplished in view of Annexure-11 and as it was followed by an order of termination and the consequential order i.e. Annexure-12 is also justified.

5. Considering the plea of the petitioner and grounds advanced, recording the submission of Mr. Praharaj, learned AGA, the Court is inclined to direct the State to file the reply.

6. Hence, it is ordered.

7. Notice.

8. Mr. Praharaj, learned AGA for the State accepts notice for the opposite parties. An extra copy of the writ with all annexures is requested to be served on the State by tomorrow.

9. Awaiting, reply and response from opposite parties, list on 30th October, 2024 for final orders.

(R.K. Pattanaik)
Judge

02.

I.A. No. of 2024

1. Heard Mr. Swain, learned counsel for the petitioner.

2. Instant I.A. is filed seeking grant of provisional pension pending disposal of the writ petition.

3. I.A. be registered forthwith.



4. Since the response of the State is necessary, issue notice.
5. An extra copy of the I.A. be served on the State immediately.
6. List on the date fixed.

(R.K. Pattanaik)
Judge

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Signature Not Verified

Digitally Signed
Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, Cuttack
Date: 26-Sep-2024 19:55:25

