



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36083 of 2025

Suresh Kumar Naik

....

Petitioner

Mr. G. Sahu, Advocate

-Versus-

State of Odisha & Others

....

Opp. Parties

Mr. S.B. Mohanty, AGA

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

19.12.2025

Order No.
02.

Petitioner having retired was not paid certain terminal benefits like pension and other. He was before this Court in earlier round of litigation in W.P.(C) No.31843 of 2024 and a Co-ordinate Bench of this Court vide order dated 26.03.2025 at para-3 & 4, observed as under:

“3. Basing on the instruction, learned Additional Government Advocate contended that Petitioner in the meantime has been sanctioned with his final pension and gratuity on 06.02.2025. Copy of the instruction is also provided to the learned counsel appearing for the Petitioner.

4. Since the final pension and gratuity has already been released in favour of the Petitioner, learned counsel for the petitioner does not want to pursue the application any further.”

2. Learned counsel for the Petitioner submits that in the light of the above order, his client has already filed a representation dated 15.07.2025 at Annexure-8, wherein he has sought for the benefit of earned leave surrender, and interest on the delayed payment of certain terminal benefits like gratuity etc. Counsel for the Petitioner cites the



decision of the Apex Court in *State of kerala v. M. Padmanabhan Nair*, AIR 1985 SC 356.

3. Learned AGA-Mr. Mohanty appearing for the OPs submits that since such a prayer was not made in the earlier round of litigation, Petitioner is constructively res judicated and therefore, no relief can be granted to him. Having so contended, now, he agrees to instruct his official clients to look into the grievance of the Petitioner in accordance with law within a time bound manner, if all contentions are kept open. Learned counsel for the Petitioner is agreeable with this proposal.

In the above circumstances, writ petition is disposed off. Time for consideration of the subject representation and informing result of such consideration to the Petitioner in writing, is eight weeks. All contentions are kept open.

It is open to the answering Opposite Parties to solicit any information or documents from the side of the Petitioner, as required for taking a decision on the subject representation. However, in that guise delay shall not be brooked.

Now, no costs.

Web copy of this order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge