



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 29158 of 2025

Pratap Chandra Patnaik

.....

Petitioner

Mr. B. Sharma, Sr. Advocate
along with
Ms. I. Tripathy, Advocate

-versus-

State of Odisha & Anr.

.....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

17.12.2025

Order No. 01

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. The present Writ Petition has been filed inter alia challenging order dated 22.08.2025 so passed by Govt.-O.P. No.1 under Annexure-2, wherein a direction has been issued to withhold the pension of the petitioner in full and permanently.
4. Learned Senior Counsel appearing for the petitioner vehemently contended that since petitioner has only been convicted to undergo sentence of 1 (one) year R.I. and a Criminal Appeal is pending against such order of conviction and sentence in CRLA No.114 of 2024, there was no justifiable ground to withhold the pension of the petitioner in full and permanently.
5. Mr. C.K. Pradhan, learned Addl. Govt. Advocate on the other hand contended that even though petitioner has been exonerated in the Disciplinary Proceeding, but since petitioner has been convicted in



the Criminal Proceeding and this Court while entertaining CRLA No.114 of 2024, has not stayed the order of conviction and sentence, unless and until such order of conviction and sentence is set aside, petitioner is not entitled to get the benefit of pension in view of the provisions contained under Rule-6 of OCS(Pension) Rules, 1992. Rule-6 of the Rules reads as follows:-

“6. Pension subject to future good conduct- (1)

Future good conduct shall be an implied of every grant of pension and its continuance under these rules.

(2) The pension sanctioning authority may by order in writing, withhold or withdraw a pension or part thereof whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty or grave misconduct.

Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduce below the amount of minimum limit.”

6. Having heard learned counsel for the parties and considering the submissions made, this Court is not inclined to interfere with the impugned order dated 22.08.2025 so issued under Annexure-2, as the order of conviction and sentence passed against the petitioner has not been stayed by this Court while entertaining the CRLA No.114 of 2024. Therefore, while not inclined to interfere with the impugned order, this Court grants liberty to the petitioner to pursue his remedy



for early disposal of CRLA No.114 of 2024 and reiterate his claim to get the benefit, if he is acquitted from the charges in the Criminal Appeal so filed.

7. With the aforesaid liberty and observation, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha