



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32743 of 2025

Hemanta Kumar Das

.... *Petitioner*

Mr.Ajay Kumar Tripathy, Advocate

-versus-

State of Odisha & Others

... *Opposite Parties*

Mr.Satya Brata Mohanty, AGA

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

10.12.2025

Order No.

01

The short grievance of the petitioner is as to non-sanctioning and releasing of terminal benefits including pension, etc.

2. Learned counsel for the petitioner heavily presses into service the decision of Co-ordinate Bench of this Court between ***Hemant Kumar Chhotaray v. State of Odisha and others*** decided on 12.01.2025. He submits that pension being not a bounty in the light of ***Deokinandan Prasad vs State Of Bihar***, (1971) 2 SCC 330 followed by ***D.S. Nakara v. Union of India***, AIR 1983 SC 130, any delay on the part of erring officials has to be met with strict action.

3. Learned AGA Mr. Mohanty on request, appearing for the OPs opposes the petition contending that in the absence of demand and rejection, ordinarily the writ petitions are not maintainable. Having so contended, now he agrees that if an appropriate representation is given supported by all relevant material evidence, there would be no difficulty for considering the same in accordance with law. He also points out that the decision, which has been pressed into service by the learned counsel appearing for the petitioner, has been put in challenge in Writ Appeal before the Division Bench and therefore, there would be some difficulty. This, I do not agree, inasmuch as there is no interim order in the said



decision. Added, whatever order to be passed on the representation in contemplation would be subject to outcome of the Writ Appeal and that would take care of interest of the petitioners aired in the subject representation.

In the above circumstances, petitions are disposed off reserving liberty to the petitioner to make appropriate representation within two weeks and if one is made, decision to be taken thereon in the light of Coordinate Bench decision within four weeks next following, failing which on an application moved, heavy cost may be levied on the jurisdictional authorities payable personally by them. All contentions are kept open.

Now, no costs.

Urgent copy of order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge

Basu