



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.34928 of 2025

Rangalata Swain

.....

Petitioner

Represented by Adv. -
Soma Patnaik

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. A. Mohanty, ASC

Mr. Dayananda Mohapatra,
Sr. Adv. along with

Mr. G.R. Mohapatra, Adv.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

25.02.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsels appearing for the Parties. Perused the writ petition as well as the documents annexed thereto.
 3. By filing the present writ application, the Petitioner has prayed for the following relief:-

“Under these circumstances the petitioner most humbly prays that this Hon'ble Court be graciously pleased to issue a Rule NISI calling upon the opposite parties to show cause as to why;



- (i) *The in-action of the opp parties in releasing the pension and arrear due in favour of the petitioner shall not be declared as arbitrary, illegal, unreasonable and violative of Article-21 of the Constitution of India*
- (ii) *The pension and the arrear due with interest in favour of the petitioner shall not be released with immediate effect;*

If the opposite parties fail to show cause or show insufficient cause the Rule be made absolute.”

4. It is contended that while continuing under Opp. Party No.2 & 3, the services of the petitioner was regularized w.e.f. 27.11.2004 and he was extended with the benefit of regular pay scale vide order dated 16.11.2015 under Annexure-1. It is further contended that the petitioner while so continuing as a regular employee under Opp. Party Nos.2 & 3, he died on 19.10.2021 under Annexure-2 series. It is contended that even though the petitioner died on 19.10.2021 when his retiral benefit was not released, the present Writ Petition was filed.

5. Even though appearance was made on behalf of Opp. Party Nos.2 & 3, but nobody is there when the matter was called. None had also appeared on the earlier occasion i.e. on 01.11.2022.

6. Having heard learned counsel for the parties and taking into account the submission made by the learned counsel appearing for the Petitioner, it is found that the petitioner was allowed regular scale w.e.f. 27.11.2004 vide order under Annexure-1 and while continuing as such he died on 19.10.2021. This Court in absence of any counter to the plea taken by the Petitioner, while disposing the



writ petition directs Opp. Party Nos.2 & 3 to take effective steps for sanction and release of all the retiral benefits as due and admissible to the petitioner, within a period of three months from the date of receipt of this order, if there is no other legal impediment.

7. The Writ Petition is accordingly disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout