



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2366 of 2026

Pramod Kumar Tripathy

....

Petitioner

Mr. M.K. Pati, Advocate

-versus-

**State of Odisha and
Others**

....

Opposite Parties

Mr. A. Tripathy, AGA

Mr. Sangram Das, Standing Counsel, Vigilance

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.03.2026

Order No.

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel appearing for the parties.
3. The present Writ Petition has been filed *inter alia* with the following prayer:-

“It is, therefore, prayed that in view of the facts and circumstances as stated above, this Hon'ble Court may be pleased to admit the Writ petition, issue rule nisi to the opposite parties to show cause as to why this writ petition shall not be allowed and if the opposite parties fail to show cause or show insufficient cause, this Hon'ble Court may be pleased to make the rule absolute and may be quashed the impugned order dated 22.09.2022 at Annexure-3 passed by the Opp. Party No.4 and may be directed the Opp. Party authorities to finalize the pension of the petitioner and release the gratuity, leave salary and other retiral dues of the petitioner within a stipulated time to the petitioner;

And may be pleased to pass any other or further order and/or orders as may be deemed fit and proper in the facts and circumstances of the case.”



4. It is contended that petitioner while continuing in service, retired from his services on attaining the age of superannuation on 30.09.2008. It is contended that by the time petitioner so retired on 30.09.2008, no proceeding either Departmental or Criminal was pending against him.

4.1. However, when his retiral benefits were not released and so also the benefit of revised scale of pay as per ORSP Rules, 2008, petitioner approached this Court by filing W.P.(C) No.8792 of 2022. This Court when directed Opp. Party No.1 to consider the case of the petitioner with regard to release of his retiral benefits and the pay scale, the same has been rejected vide the impugned order dated 22.09.2022 under Annexure-3.

4.2. It is contended that such rejection has been made *inter alia* on the ground that a Vigilance Proceeding has been initiated against the petitioner vide Sambalpur Vigilance P.S. Case No.83 of 2010 (CTR-40 of 2013). Placing reliance on the circular issued by the Home Department under Annexure-4, learned counsel for the petitioner contended that since by the time petitioner retired on 30.09.2008, no proceeding was pending against the petitioner, on the mere initiation of the Vigilance Proceeding that too after the retirement of the petitioner, claim of the petitioner could not have been rejected vide the impugned order.



4.3. It is accordingly contended that Opp. Parties be directed to release the retiral benefits of the petitioner and so also the scale of pay in terms of ORSP Rules, 2008.

5. Considering the dispute involved, when this Court directed learned Standing Counsel (Vigilance) to obtain instruction with regard to the status of the aforesaid Vigilance Proceeding, basing on the instruction, it is contended that in the aforesaid Vigilance Proceeding, cognizance has been taken on 29.10.2013, and the case is now posted for supply of Police Paper.

6. Learned Addl. Govt. Advocate made his submission contending inter alia that since a Vigilance Proceeding has been initiated after retirement of the petitioner, his claim has been rightly rejected vide the impugned order.

7. Having heard learned counsel for the parties and considering the submission made, it is found and which is not disputed that petitioner while continuing in service, retired from his services on attaining the age of superannuation on 30.09.2008. It is also not disputed that by the time petitioner retired, no proceeding either Departmental or Criminal was pending against him.

7.1. However, claim of the petitioner has been rejected vide the impugned order dated 22.09.2022 under Annexure-3 because of the initiation and pendency of



the Vigilance Proceeding in Sambalpur Vigilance P.S. Case No.83 of 2010.

7.2. Since it is not disputed that by the time petitioner retired on 30.09.2008, no proceeding was pending against him and the vigilance proceeding was only initiated after retirement, with cognizance being taken on 29.10.2013, it is the view of this Court that the ground on which petitioner's claim has been rejected vide the impugned order is not sustainable in the eye of law.

7.3. This Court while quashing order dated 22.09.2022 under Annexure-3 and placing reliance on the circular issued under Annexure-4, directs Opp. Party Nos.1 and 3 to release retiral benefits of the petitioner with fixation of the pay in terms of ORSP Rules, 2008 as expeditiously as possible preferably within a period of 3 (three) months hence.

7.4. It is however observed that, if the pensionary benefits of the petitioner is not released within the aforesaid time period, petitioner will be held entitled to get interest on all his retiral dues @ 6% per annum all through.

8. The Writ Petition stands disposed of accordingly.

Signature Not Verified

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Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Mar-2026 19:37:53



(Biraja Prasanna Satapathy)
Judge