
(2023) 08 OHC CK 0176

In the Orissa High Court

Case No : Writ Petition (C) No. 26020 Of 2023

Jitendranath Pradhan

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 25-08-2023

Acts Referred:

Citation : (2023) 08 OHC CK 0176

Hon'ble Judges : B. P. Satapathy, J

Bench : Division Bench

Advocate : B. Satapathy

Final Decision : Disposed Of

Judgement

B. P. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. The Petitioner, by means of this writ petition, seeks direction to opposite party no.1 to take appropriate steps for availing unutilized surrender leave and gratuity of 16 ½ months pay instead of 7 ½ months pay (pensionary benefits) to the petitioner who is retired employees of the fully aided educational institutions as like as employees of government educational institutions on the basis of Rule-9 of the Rules, 1974 taking into consideration of the equal superannuation age of two categories employees and to disburse the rest of the gratuity dues as well as unutilized surrender leave dues by modifying the office order no.6249 dated 30.05.2023 of the DEO, Balasore and the resolution dated 22.03.2018 & S.&M.E.Department vide Annexures-2, 3 and 4 with cost as per the decision of this Court in the case of Bidyadhar Bhuyan Vrs. State of Odisha and Others, 1995 (II) OLR 655, which was confirmed by the Hon'ble Supreme Court in SLP No.4090 of 1996, vide order dated 9.9.1996.
3. In course of hearing, learned counsel for the Petitioner states that highlighting the grievances, the Petitioner has made representation to the Opposite Party

No.1 vide Annexure-4 and the same may be directed to be disposed of within a stipulated time taking into consideration the case of Bidyadhar Bhuyan (supra) as well as the order of the Hon'ble Apex Court in SLP No.4090 of 1996.

4. Considering the limited grievance of the Petitioner, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing the Opposite Party No.1 to consider the representation filed by the Petitioner vide Annexure-4 and pass appropriate order in accordance with law within a period of three months from the date of production of a copy of this order by the Petitioner.

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