



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.496 of 2025

Union of India and others* *Petitioners

*Mr. P.K. Parhi, DSGI along with
Mr. Jyananda Panda, CGC*

-versus-

Pranabananda Dash* *Opp. Party

CORAM:

**HON'BLE MR. JUSTICE S.K. SAHOO
HON'BLE MR. JUSTICE S. S. MISHRA**

ORDER

04.07.2025

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Registry has pointed out that in the cause title of the order dated 17.06.2025, the name of the opposite party has been inadvertently typed as 'Pranabandha Dash' instead of 'Pranabananda Dash'. The same be read as 'Pranabananda Dash'.

The opposite party Pranabananda Dash filed O.A. No. 260/00812 of 2019 challenging the order dated 13.06.2019 rejecting his prayer for disbursement of lump sum compensation of Rs.1,83,823/- (one lakh eighty three thousand eight hundred twenty three) towards the capitalized value of disability pension in lieu of disability pension. The record reveals that the opposite party was working as a Postal Assistant in Suryanagar NDTSO, Bhubaneswar and while on duty, he was severely injured in the parcel bomb blast that occurred on 03.01.2002, as a result of which he lost one hand and one leg. He was admitted in S.C.B.



Medical College & Hospital, Cuttack where he remained under treatment from 03.01.2002 to 13.10.2003. As per the advice of the doctor, he remained on rest from 14.10.2003 to 20.10.2003. Thereafter, he remained under treatment in NIRTAR, Olatpur, Cuttack for fixation of artificial limbs from 21.11.2003 to 26.05.2004. The opposite party reported to duty and submitted all medical certificates besides the disability certificate issued by the District Medical Board of Khurda, Capital Hospital, Bhubaneswar dated 01.06.2004 certifying him to be 75% disabled. The authority concerned, after due application of mind and upon consideration of his disability condition, retained him in service, sanctioned the leave in his favour for the total period of two years, four months and twenty four days as per the provision of Disability Leave and Hospital Leave contained in CCS (Leave) Rules, 1972 vide order dated 02.03.2009. He got retired from service on 30.11.2010 on attaining the age of superannuation and superannuation pension was also sanctioned in his favour.

When the opposite party submitted an application for sanction of disability pension, the same was forwarded to the Director of Accounts (Postal) Cuttack and the Director of Accounts advised the Sr. Postmaster, Bhubaneswar GPO to examine the case of the opposite party as per prevalent rules/guidelines. Being unsuccessful in his attempt, the opposite party approached the learned Central Administrative Tribunal, Cuttack Bench, Cuttack (hereinafter the 'Tribunal', in short) in O.A. No. 836 of 2014, which was disposed of on 24.11.2014 with a direction to the petitioners to consider his representation. Vide officer order dated 22.11.2015, the representation of the opposite party no.1 for sanction of disability pension has been rejected. The opposite party submitted another application on



27.01.2015 for sanction of capitalized value of disability pension in lieu of disability pension. The SSPO examined the claim of the opposite party with reference to the rules and came to the conclusion that the opposite party is eligible to be paid lump sum compensation of the amount equal to the capitalized value of disability pension in lieu of disability pension and accordingly, the Sr. Accounts Officer (Pension), Cuttack was intimated. The Sr. Accounts Officer (Pension) taking into account the delay on the part of the opposite party in preferring his claim for lump sum award in his representation, rejected the same and communicated the same to the opposite party vide letter dated 21.07.2015. The opposite party challenged the rejection of his claim before the learned Tribunal in O.A. No. 803 of 2015 which was disposed of on 27.03.2019 permitting the opposite party to submit a detailed representation before the SSPO, Bhubaneswar Division, who rejected the representation vide order dated 13.06.2019, which was challenged in O.A. No. 260/00812 of 2019.

Considering the submission made by the learned counsel for the petitioners and the opposite party, learned Tribunal held that the claim of the opposite party was for payment of lump sum compensation in lieu of disability pension, which comes under the purview of recurring cause of action and thus, the rejection of the claim by applying Rule 6 Central Civil Services (Extra-ordinary pension) Rules, 1939 is bad in law. It was further held that it was the responsibility of the Head of office to take necessary action for grant of disability pension within a time frame and as per the applicable amended Rule 4(4). The rejection of the case of the opposite party solely on the ground of delay was held to be bad in law. In the operative portion of the impugned order, it has been held as follows:



"In view of the discussions made above, it is held that the accounts wing without examining the rule positions, as discussed above, objected to the proposal of the SSPO throwing the blame on the applicant, which at no stretch of imagination can be said to be legally tenable. It is seen that the SSPO vide order 13.06.2019 (A/11) rejected grant of compensation based on the letter of the Accounts wing dated 28.05.2015 (A/7) and, as discussed the said objection of the Accounts Wing being held to be not legally sustainable, the order of rejection dated 13.06.2019 (A/11) is hereby quashed and thereby the order passed by the SSPO, Bhubaneswar Division dated 30.01.2015 (A/6) is directed to be implemented. The entire drill is directed to be completed within a period of 90 days from the date of receipt of a copy of this order."

In the case of **Bhusawal Municipal Council -Vrs.- Nivrutti Ramchandra Phalak and others reported in (2015) 14 Supreme Court Cases 327**, the Hon'ble Supreme Court in para 16 has held as follows:

"The judicial process of the Court cannot subvert justice for the reason that the Court exercises its jurisdiction only in furtherance of justice. The State/authority often drags poor uprooted claimants even for payment of a paltry amount upto this Court, wasting the public money in such luxury litigation without realising that poor citizens cannot afford the exorbitant costs of litigation and,



unfortunately, no superior officer of the State is accountable for such unreasonable conduct. It would be apt to quote the well known words of Justice Brennan:

Nothing rankles more in the human heart than a brooding sense of injustice. Illness we can put up with. But injustice makes us want to pull things down. When only the rich can enjoy the law, as a doubtful luxury, and the poor, who need it most, cannot have it because its expense puts it beyond their reach, the threat to the continued existence of free democracy is not imaginary but very real, because democracy's very life depends upon making the machinery of justice so effective that every citizen shall believe in and benefit by its impartiality and fairness.

Having heard the parties at length, by taking into consideration all the materials on record and in view of the reasoning recorded by the learned Tribunal, we are of the humble view that the opposite party, who was a poor employee and lost his limbs in a bomb blast during course of his employment, the petitioners should not have felt aggrieved to challenge the impugned order whereby the learned Tribunal has directed to implement the order of the SSPO, Bhubaneswar Division dated 30.01.2015. Moreover, since lump sum compensation amount claimed by the opposite party is not exorbitant, interference by this Court is not desired, particularly when the opposite party had received injury while on duty on 03.01.2002 and was continuously under treatment in different



hospitals for years together and there was fixation of his artificial limbs. Thus, we find no infirmity or illegality in the impugned order.

Accordingly, the writ petition being devoid of merits, stands dismissed.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

PKSahoo