

WRIT PETITION NO. 4575 OF 2019

Mr. P. R. Puri, Advocate for petitioner.
Mr. N. S. Rao, AGP for respondent Nos.1 to 3.

**CORAM : DIPANKAR DATTA CJ &
ROHIT B. DEO J.**

DATE : DECEMBER 6, 2021

P. C. :

The petitioner is aggrieved because Rs.82,091/- [Rupees Eighty two thousand ninety one only] has been deducted from the gratuity payable to her without even affording an opportunity of hearing.

2. The deduction was effected in 2011, and the same is challenged in this writ petition instituted on January 27, 2019. Considering that the petitioner was engaged in correspondence with the respondents ever

since the deduction took place resulting in her claim being rejected by an order dated December 19, 2018 (Exh. L), we do not take too serious a view with regard to the belated approach since the impugned deduction.

3. Mr. N.S.Rao, learned AGP appearing for the respondents 1 to 3 could not convince us that the impugned deduction effected from the gratuity payable to the petitioner without affording her opportunity of hearing can be justified by reference to any provision of law.
4. Although on the above premise we would have been justified in our interference with the impugned deduction, we are of the opinion that interest of justice would be sufficiently served if the Joint Director of Higher Education, respondent no.3, grants the petitioner an opportunity of post-decisional hearing and takes an appropriate decision in the light of what is observed hereafter. We order accordingly.
5. The writ petition stands disposed of with a direction upon the respondent no.3 to pass an appropriate order on the petitioner's claim after hearing

her, within a period of eight weeks from date of receipt of a copy of this order. Should there be no provision of law governing the petitioner's terms and conditions of service which authorizes deduction from any amount payable on account of gratuity owing to mistaken acts, which had taken place in the previous century, or in case there is no proof of the petitioner having indulged in any fraud or sharp practice to receive a pay in excess of her entitlements, we would expect the petitioner to be refunded the amount deducted together with such amount of interest as may be considered fit and proper by the respondent no.3. However, if the claim of the petitioner is spurned on any valid ground, the order must have the support of reasons.

6. No costs.

[ROHIT B. DEO, J.]

[CHIEF JUSTICE]