

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2705 of 2007

Naba Kishore Nayak

..... *Petitioner*
Mr. A.K.Dalai, Adv.

-versus-

***Controlling Authority under payment
of Gratuity Act & another***

..... *Opposite Parties*
Mr. N.K.Mishra, Adv.

JUSTICE V. NARASINGH

ORDER
04.08.2022

Order No.
06.

1. This matter is taken up through Hybrid Mode.
2. None appears for the petitioner when the matter is called.
3. For non-payment of gratuity by the Manager, M/s. Khandagiri Cement Works, Bhubaneswar, the petitioner approached the Controlling Authority under payment of Gratuity Act-cum-Asst. Labour Commissioner, by filing P.G. Case No. 5 of 2003.
- 4, By order dated 24.12.2005 the Controlling Authority after perusal of the documents came to the conclusion that;

“xx xx that the applicant has been paid the gratuity amount of Rs.27,675/-(Rupees Twenty seven thousand six hundred seventy-five only) in presence of the District Labour Officer(Khurda),

Bhubaneswar. Hence, the claim of the applicant Sri Naba Kishore Nayak for gratuity is not maintainable.

The case disposed off accordingly.
Inform the parties”

5. Admittedly under the schematic arrangement of payment of Gratuity Act, the order of the Controlling Authority is an appealable one and no appeal has been filed. The impugned order at Annexure-1 adverted to hereinabove was directly assailed before this Court notwithstanding availability of effective statutory remedy.

6. Be that as it may, Sri Mishra appearing for opposite party No.2 with reference to his counter submits that there has been amicable settlement and an amount of Rs.35,000/- (Rupees thirty-five thousand) only towards full and final settlement of all claims was paid to the petitioner and receipt evidencing such payment has also been annexed as Annexure-A/2 to the counter.

7. It is further submitted that during the pendency of this case, the petitioner has unfortunately passed away as it is evident from the order dated 06.05.2016 granting leave for substitution but till date no step in this regard has been taken.

8. On consideration of materials on record, this Court does not find any merit in present writ petition and the same is disposed of as being devoid of merit.

(V.Narasingh)
Judge

From the order dated 6.5.2016, it is seen that the petitioner has passed away and though this court granted leave for substitution, no substitution has taken place.

