

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8453 of 2022

Alekha Chandra Dhal

....

Petitioner

Mr. Bhakta Ranjan Barik, Advocate

-versus-

***Managing Director, Odisha Lift
Irrigation Corporation Ltd.,
Bhubaneswar and others***

....

Opposite Parties

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

02.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner.
3. The writ petition involves the following prayer:

“It is therefore, prayed that this Hon’ble Court may be graciously pleased to issue rule nisi calling upon the Opp. Parties as to why the gratuity amount for the Work Charge period of service w.e.f. 01.01.1973 to 31.12.1984 with interest shall not be paid. If the Opp. Parties do not show cause or show insufficient cause issue a writ in the nature of mandamus or any other appropriate writ/writs, order/orders, direction/directions in directing the Opp. Parties to sanction and release the gratuity amount for the Work Charge period of service w.e.f. 01.01.1973 to 31.12.1984 along with interest in favour of the Petitioner and be paid to him within a time to be stipulated by this Hon’ble Court.

And for which act of kindness, the Petitioner as in duty bound shall ever pray.”

4. It is submitted by learned counsel for the Petitioner that Petitioner was initially engaged as Electrical Helper on NMR basis. Thereafter, he was absorbed as Electrical Helper in Work Charge establishment w.e.f. 01.01.1973, vide office order No.370, dated 31.01.1973 in the office of the Executive Engineer, L.I. Electrical Bhubaneswar under the control of A.E.L.I. Electrical, Cuttack. Thereafter he was continued in that post till his superannuation w.e.f. 30.09.2017. It is further submitted by learned counsel for the Petitioner that Petitioner is entitled to get the benefit of gratuity under the Payment of Gratuity Act, 1972. Section 4(1) and (2) of the said Act, the Authority has not paid the Gratuity as due and admissible to the Petitioner.

Learned counsel for the Petitioner further submits that similarly circumstanced employees have been extended the benefit as evident from Annexures-4 & 5 of the writ petition, whereas the case of the Petitioner has been denied. In such view of the matter, learned counsel for the Petitioner submits that a direction may be issued to the Authority to consider the case of the Petitioner for grant of gratuity along with interest thereon.

5. Learned counsel for the State on the other hand submits that let the Petitioner approach the Authority in the event similar circumstance persons have been extended such benefit, the case of the Petitioner may be considered in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions, this Court disposes of the writ petition with a direction to the Petitioner to file a fresh representation before the Opposite Party No.1 highlighting his grievance and taking all the grounds as are available to him in law

including Annexures-4 and 5 whereunder similarly placed persons have been extended the benefit of pension and gratuity, within a period of two weeks. In such event, Opposite Party No.1 shall consider the same strictly in accordance with law and shall dispose of the same by passing a speaking and reasoned order. In the event, Petitioner is entitled to the benefits as has been extended to similar circumstanced persons, the same shall be extended to the Petitioner within a period of two months. The calculation shall be done as per Section 7 of Payment of Gratuity Act, 1972.

7. With the above direction, the Writ Petition stands disposed of.
8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

