

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3386 of 2013

Droupadi Panda

....

Petitioner

Mr. S.K. Rath, Advocate

-versus-

State & Others

....

Opposite Parties

Mr. S.N. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
12.10.2022

Order No.

12.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Rath, learned counsel for the petitioner and Mr. S.N. Pattnaik, learned AGA for the State.
3. The Vakalatnama filed on behalf of Mr. S.K. Rath and Associates is taken on record.
4. The grievance of the petitioner in the present Writ Petition relates to imposition of penal rent for overstayal in Government quarter occupied by her late husband Mr. Surendra Narayan Panda, who had died in harness on 12.07.2001, while working as Senior Assistant in the office of Sales Tax Tribunal, Cuttack and non disbursal of gratuity.
5. Considering the limited nature of the grievance, this Court is persuaded by the submission of learned counsel for the petitioner referring to GA Department resolution dated 18.09.1998 particularly clause-12 thereof which is extracted hereunder:-

XXX XXX XXX

“In special circumstances for reasons which should be recorded the State Government may be recorded the State Government may by special order waive or reduce the amount of licence fee to be recovered from any officer.”

XXX XXX XXX

And that of the Finance Department resolution referring to such resolution of such GA Department dated 04.01.1999, particularly also clause-12 of the said Finance Department resolution which is culled out below:-

XXX XXX XXX

“In special circumstances for reasons which should be recorded the State Government may be special order waive or reduce the amount of licence fee to be recovered from any officer.”

XXX XXX XXX

that the petitioner will make a fresh representation to seek consideration of the grievance for charging normal rent for the overstayal period in terms of the resolution of both the GA Department and Finance Department herein before adverted to and disbursal of unpaid gratuity.

6. In the event the petitioner files such representation as undertaken within a period of two weeks from the date of receipt of copy of this order to the Finance Department and/or GA Department, the same shall be considered sympathetically within a period of four weeks from the date of receipt of such representation, taking into account that the husband of the petitioner died in

harness in the year 12.07.2001 and the overstayal as stated was on account of over bearing circumstances beyond the control of a widow who has lost her husband. And the authority shall also consider the statement at the Bar that in many similar cases, such considerate view has been taken by the Government, as an ideal employer. This Court has no iota of doubt that the authority will show the same empathy in case of the petitioner too.

7. If necessary opportunity of hearing may be provided to the petitioner or her authorized representative. And the decision taken be communicated to the petitioner.

8. Accordingly, the Writ Petition stands disposed of.

Ayesha

