

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9057 of 2022

Prafulla Kumar Senapati

....

Petitioner

Mr. C.R. Pattnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.B. Babu, A.G.A.

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 as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers :-

“Under such circumstance it is therefore prayed that your lordship would be graciously pleased to admit this writ application, call for records and after hearing the parties may be pleased to issue a writ/sorder/s/direction/s in the nature of certiorari quashing the letter dt-16.10.2017 issued by the G.M.(Finance) under Annexure-6.

And further may issue a writ of mandamus directing the authority to release the pending dues of Rs.2,20,000/- in favour forthwith preferably within a stipulated period as this Hon’ble court deems just and proper.

And further may pass any other order/s/direction/s/ as this Hon’ble court deems just and proper.”

4. It is submitted by learned counsel for the petitioner that as per

Audit Report illegal deduction of retiral dues of Rs.2,20,000/- from his gratuity. It is further submitted by leaned counsel for the petitioner that it has been found recoverable from the petitioner, who has paid same and he has filed the money receipt along with other relevant documents. However, the same is not taken into consideration by the opposite parties and insisting to recovery the aforesaid amount from the relief salary of the present petitioner. It is also submitted by learned counsel for the petitioner that he has filed a detailed representation before the Managing Director, MARKFED, Odisha, Bhubaneswar-Opposite Party No.1 dated 23.02.2022 under Annexure-10 and the said Opposite Party has not taken any decision as of now.

5. Considering the submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission without expressing any opinion on the merits of the case with a direction to the Managing Director, MARKFED, Odisha, Bhubaneswar-Opposite Party No.1 to consider the representation of the Petitioner dated 23.02.2022 under Annexure-10 in accordance with law within a period of six weeks from the date of production of certified copy of this order. It is open for the Opposite Party No.1 giving opportunity of hearing to the petitioner and further the petitioner also file additional documents within two weeks from today. Further the Opposite Party No.1 is directed to consider strictly the representation of the petitioner and dispose of the same by passing a speaking and reasoned order. Any decision so taken on the same shall be communicated to the petitioner within a period of two weeks thereafter.

8. With the aforesaid direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

(A.K. Mohapatra)
Judge

