

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15177 of 2020

Y. Ganapati

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Petitioner

Mr.P.C. Chhinchani, Advocate

Vs.

*Competent Authority &
Chairman, Utkal Grameen
Bank, Bolangir & Ors.*

.....

Opposite Parties

Mr. S.K. Behera, Adv.

*Mr. C. A. Rao, Sr. Adv.
(O.P.No.4)*

Mr. G. Rout, ASC

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

29.11.2022

Order No.

05.

This matter is taken up through hybrid mode.

2. In obedience to Order dated 20.09.2022, the Opposite Party Bank has already filed a Counter Affidavit in I.A. NO.7042 of 2020, wherein it has been averred that the Petitioner is required to submit the necessary papers in prescribed forms for release of his gratuity and leave encashment and despite communicating to him vide letter dated 28.05.2020, so also reminder dated 19.10.2020, the Petitioner is yet to submit the claim forms before the branch/office, where Petitioner was last working.

3. It is admitted by Mr. Rao, learned Senior Counsel for the Opposite Party-Bank, that though the Petitioner submitted those forms but since it was directly sent to the Regional Director of the bank, it could not be processed and paid to the Petitioner.

4. In response to such submission made by Mr. C.A. Rao,

learned Sr. Counsel for the Opposite Party- Bank, the learned Counsel for the Petitioner brings to the notice of this Court regarding the communication made to the Petitioner, vide letter dated 28.05.2020, wherein it has been clearly indicated as follows:-

“So pleased arrange to submit the claims as per your entitlement along with other required papers as detailed in the Check-list at the last branch/office worked i.e. RO, Jeypore. You may obtain the claim forms from RO, Jeypore or any UGB branch since all the forms along with the check-list for submission are available in Bank’s intranet.”

(Emphasis supplied)

5. Learned Counsel for the Petitioner further submits that in obedience to such instruction vide letter dated 28.05.2020, the Petitioner submitted his application along with all the necessary papers, including the applications in prescribed forms for gratuity, so also unutilized leave on 09.11.2020, by sending the same to the Regional Manager, Regional Office, Utkal Grameen Bank, Jeypore, in terms of the said advice. In order to substantiate such submission, learned Counsel draws the attention of the Court towards the letter addressed to the Chairman of the Bank, as at Annexure-II Series of the Rejoinder Affidavit, wherein it has been clearly mentioned that the same is being submitted through the Regional Manager of the Bank having its Regional Officer at Jeypore and the postal receipt enclosed to the Rejoinder also clearly demonstrates that the same was sent to the Regional Manager of the Bank on 09.11.2020.

6. Learned Counsel for the Petitioner further submits that recently i.e. on 12.11.2022, one Officer being deputed by the Regional Manager of the Bank, contacted to the Petitioner along with a letter dated 11.11.2022, and has collected the same set of papers, which were submitted by him earlier.

7. In view of such submissions, so also counter submissions made by the learned Counsel for the parties, the Opposite Party bank is directed to release the admitted amount of gratuity and leave encashment and any other after retiral dues payable to the Petitioner within two weeks from the date of communication of certified copy of this Order.

8. Needless to mention here that if the amount due and payable is not paid to the Petitioner within the stipulated time frame, the said amount will carry 10% interest from the date it became due till the date the amount is actually paid to the Petitioner.

9. Urgent Certified copy of this Order be issued as per the Rules.

(S.K. MISHRA)
JUDGE

Banita