

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18062 of 2022

Mihir Kumar Sahu

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.09.2022

Order No

4.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. C.S.Panda, learned counsel for Petitioner and Mr. A.P.Das, learned Addl. Standing Counsel for the State-Opposite Parties.

3. The present Writ Petition has been filed by the Petitioner challenging the non-release of the gratuity amount on the ground of pendency of a vigilance proceeding against him.

4. It is submitted that the Petitioner while continuing as a Deputy Executive Engineer, RWS&S, Bhanjanagar, he retired from service on the attaining age of superannuation on 31.08.2020.

5. It is submitted that after his retirement while other pensionary benefits were released in his favour but the gratuity amount as due and admissible was not released on the ground of pendency of the vigilance proceeding in Koraput Vigilance P.S. Case No.29 dated 3.6.2012.

6. Mr. Panda, learned counsel for the Petitioner submitted that by the time, the Petitioner retired from service on 31.08.2020, no cognizance was taken as the final form was only

submitted on 08.09.2021. The said fact is also available in the case record vide Annexure-2.

7. Since admittedly as on the date of retirement of the Petitioner, no proceeding in the eye of law was pending against the Petitioner, there was no occasion on the part of the Opposite Parties to withheld the gratuity amount.

8. Hence, this Court while disposing the Writ Petition directs the Opposite Parties to release the gratuity amount as due and admissible in favour of the Petitioner within a period of three months from the date of receipt of this order. However, the said release of the gratuity amount shall be subject to the final outcome of the vigilance proceeding as pending against the Petitioner.

9. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat