

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20507 of 2022

**Md., Orissa State
Cooperative Bank Ltd.,
BBSR.**

....

Petitioner

-versus-

**Appellate Authority under
Payment of Gratuity Act,
BBSR & Others**

....

Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.09.2022**

Order No

- 2.** **1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. K.P.Nanda, learned counsel for Petitioner and Mr. N.Biswal, learned counsel for the private Opposite Parties.
- 3.** The present Writ Petition has been filed by the Petitioner-Bank challenging the order dated 13.06.2022 passed in P.G. Appeal Case No.08/2021 under Annexure-1.
- 4.** The appellate authority by the said order confirmed the order passed by the competent authority at Annexure-4.
- 5.** It is submitted that while preferring the appeal against the said order, the Bank had deposited the entire amount of Rs.15,83,300/-.
- 6.** Mr. Nanda, learned counsel for the Petitioner submitted that since the Petitioner is facing a vigilance proceeding as reflected in Annexure-2, the gratuity amount should not be released in his favour and the appellate authority did not consider that aspect.
- 7.** Mr. Biswal, learned counsel for the private Opposite

Parties on the other hand submitted that in the said vigilance proceeding though the case was initiated in the year 2013, but till date no charge sheet has been filed.

8. It is also submitted that as against the said allegation, no departmental proceeding was ever initiated against the petitioner and the Petitioner has retired from his service on the attaining age of superannuation on 30.09.2014.

9. It is also submitted by Mr. Biswal that in the meantime, the gratuity amount deposited by the Bank has been released in his favour on 05.09.2022.

10. In that view of the matter, this Court while disposing the Writ Petition only observes that the said release of the gratuity amount shall be subject to the final outcome of the vigilance proceeding.

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

(Biraja Prasanna Satapathy)
Judge

Subrat