

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.389 of 2018

Banshidhar Nanda

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
13.09.2022**

Order No

01. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. B.R.Barick, learned counsel for the Petitioner and Mr.N.N.Satapathy, learned Standing Counsel for the State-Opposite Parties.

3. The present Writ Petition has been filed by the Petitioner with the following prayer:-

“i) Direct the Respondents to release the amount recovered from Gratuity under Annexure-5 and revised his pension as per last pay drawn under Annexure-4 with interest be paid within a time to be stipulated by this Hon’ble Tribunal.”

4. Mr. Barick, learned counsel for the Petitioner submitted that if appropriate direction will be issued to the Opposite Parties to refund withheld gratuity amount of Rs.18,252/-, not press the other prayer.

5. This Court after going through the materials available on record finds that the Government of Orissa in the

Finance Department vide letter dated 30.01.2010 has prescribed the procedure for refund of the withheld gratuity amount along with interest to similarly situated persons.

6. Since admittedly an amount of Rs.18,252/- has been withheld from the gratuity amount of the Petitioner, this Court while disposing the Writ Petition directs the Opposite Party No.2 to take appropriate action for refund of the said amount following the guidelines issued by the Government under Annexure-7 within a period of one month from the date of receipt of this order.

7. With the above observations/directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

