

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3181 of 2018

Runu Panigrahi

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
22.12.2022

Order No

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Ms. S. Mohanty, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed by the wife of the deceased Govt. employee with the following prayer:-

“i) To quash the order no. SAI-10/ PR 591/11 - 12 dtd.23.8.17 vide Annexure- 10 issued by Principal Accountant General (A & E) i.e., Respondent no. 6 as being contrary to the guidelines issued by the Government and the provisions of pension rules.

ii) The Respondents be directed to release the DCRG Amount of Rs. 1,03,275/- (One Lakh Three Thousand Two Hundred Seventy Five) only to the Petitioner along with the interest @18% w.e.f.31.12.2000 when the husband of the applicant is retired.

iii) And further be pleased to pass such other order / orders as may be deemed fit and proper for the interest of justice.”

4. It is contended that the husband of the present Petitioner retired from his service on 31.12.2000 and an amount of Rs.1,03,275/- (Rupees One lakh three thousand two hundred seventy five) was kept withheld from his gratuity benefit on the ground that some recovery is outstanding against the said employee with regard to shortage of stock materials detected by the Store Verification Party. However, it is fairly contended by the learned counsel for the Parties that no proceeding whatsoever was initiated against the employee concerned during his life time to determine the said outstanding through initiation of a proceeding.

5. Since admittedly the concerned employee has died in the meantime on 20.07.2018, it is also fairly submitted that no proceeding can be initiated at present.

6. Taking into account the aforesaid factual position, this Court held that the withholding of Rs. 1,03,275/- (Rupees One lakh three thousand two hundred seventy five) from the retirement gratuity of the deceased employee is not legal and justified as of now. Therefore, this Court while disposing the writ petition directs the O.P. No. 5 & 6 to take necessary step for release of the withheld gratuity amount of Rs. 1,03,275/- (Rupees One lakh three thousand two hundred seventy five) along with the accrued interest thereon within a period of one (1) month from the date of receipt of this order.

7. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha