

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4235 of 2016

Ranjit Kumar Mitra

.....

Petitioner

Mr. R.K. Sahu, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel &

Mr. S. Behera, Advocate (O.P.5)

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

17.08.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard.

3. The Petitioner has filed this Writ Petition seeking to direct Opposite Party No.5 to refund the deducted Gratuity amount of Rs.11,938/- as per Annexure-5 and interest @ 18% P.A. on the gross gratuity from the date of his retirement to 17.03.2016 within a stipulated period.

4. Mr. S. Behera, learned Counsel for Opposite Party No.5 contended that the case of the Petitioner has already been considered, which has been reflected in Paragraph-6 of the Counter Affidavit to the following effect:-

“That, the averments made by the applicant regarding refund of the deducted gratuity amount of Rs.11,938/- by this Respondent, it is submitted that due to non-furnishing of recovery particulars of HBA(both Principal & interest) by the PSA or the applicant , an amount of Rs. 11,938/- (Principal Rs. 5000/- and interest Rs. 6,938/-) was adjusted from the total admissible amount of gratuity of Rs. 1,66,950/- and net gratuity amount of Rs. 1,54,712/- was released in favour of the applicant. Since the withheld gratuity amount was released immediately after receipt of final NDC from the PSA and no delay was occurred at the end of this Respondent, the claim of the Applicant for payment of interest of 18% P.A. on delayed payment of gratuity, the office of this Respondent may not be held

responsible for payment of interest on delayed payment of gratuity. Further, the claim of the Applicant for refund of recovery amount from gratuity on the averment of the Applicant that the HBA availed by him has been recovered from his salary may be considered at the instance that the Applicant or the PSA provide strict proof of recovery particulars of HBA principal and interest thereof

5. In view of the above, the Writ Petition stands disposed of.

Arun

(DR. B.R. SARANGI, J.)

