

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.3002 of 2011

Dhirendra Nath Mohanty

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

Order No

3.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. D.K.Mohanty, learned counsel for Petitioner and Mr. M.K.Balabantaray, learned Standing Counsel for the State-Opposite Parties.

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

“ Under the circumstances, the Applicant humbly prays that the Hon’ble Court may graciously be pleased to direct the Respondents to refund the withheld amount of Rs.16,777/- from his DCRG;

To direct the Respondents to pay 9% cumulative interest to the applicant on the entire amount of Rs.40277/-;

To award exemplary costs of the litigation for the inaction of the respondents;

And further be pleased to pass any other order / orders as deemed fit and proper”.

4. Learned counsel for the Petitioner submitted that even though the Petitioner retired from service on 31.08.1998, but his gratuity amount was kept withheld and out of his entitlement towards gratuity a sum of Rs.23,050/- was released

only in the month of May, 2010. Even though for the balance amount of DCRG amounting to Rs.16,777/-, the Petitioner approached the learned Tribunal in O.A No.2671/2007 and learned Tribunal vide order dated 29.04.2009 under Annexure-4 directed the authority to take a decision, but no decision was taken on such claim of the Petitioner.

5. Accordingly, it is submitted that the Petitioner is entitled to get interest on the released gratuity amount of Rs.23,050/- for the period beyond 31.8.1998 till its payment as well as the balance amount of Rs.16,777/- along with interest.

6. Mr. Balabantaray, learned Standing counsel for the State on the other hand submitted that pursuant to the order passed by the learned Tribunal and after giving due opportunity of hearing to the Petitioner, enquiry was conducted and in the enquiry it was found that the Petitioner is not entitled to get the balance gratuity amount of Rs.16,777/-.

7. Mr. Mohanty, learned counsel for the Petitioner did not dispute the said submission of Mr. Balabantaray and fairly submits that the Petitioner is not making any claim with regard to the said balance amount of Rs.16,777/-. But Mr. Mohanty, learned counsel for the Petitioner submitted that the Petitioner is entitled to get interest on the amount of Rs.23,050/- for the period beyond 31.08.1998 till its payment.

8. In view of such submissions made by Mr. Mohanty, this Court while disposing the Writ Petition directs the Opposite Party No.2 to take appropriate steps for payment of interest on the released gratuity amount of Rs.23,050/- for the period beyond 31.08.1998 till its payment. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

Subrat

