

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.4090 of 2013

Biswanath Sahoo

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
09.03.2022**

Order No

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

2. Heard Mr. N. Biswal, learned counsel for the Petitioner and Mr. Praharaj, learned counsel appearing for the said Opposite Parties.

3. The Petitioner has filed the present writ Petition challenging the action of the Opposite Parties in withholding an amount of Rs.19,000/- from the gratuity amount of the Petitioner.

4. It is the submission of Mr. Biswal, learned counsel for the Petitioner that such direction was issued to recover a sum of Rs.19,000/- from the gratuity entitlement of the Petitioner basing on some communications made by the office of Survey and Map Publication, Odisha, Cuttack dated 04.08.2006.

5. It is the further submission of Mr. Biswal that while taking such steps in withholding an amount of Rs.19,000/- , the Petitioner was never show caused nor any proceeding was initiated to determine the liability against the Petitioner.

6. I found from the record that in spite of issuance of notice vide order dated 18.12.2013, no counter has been filed by the said Opposite Parties controverting the stand taken by the Petitioner in the writ Petition.

7. In absence of such contrary stand by the Opposite Parties and taking into account the grounds taken in the writ Petition. I am constrained to hold that the Petitioner was never issued any show cause nor any proceeding was initiated prior to withholding an amount of Rs.19,000/- from the gratuity entitlement of the Petitioner.

8. Therefore, the direction to withhold the aforesaid amount of Rs.19,000/- from the retirement gratuity of the Petitioner be released in favour of the Petitioner along with interest @ 6% per annum in favour of the Petitioner within a period of 4 months from the date of production of the certified copy of this order.

9. There shall be no order as to cost.

10. Accordingly, the W.P.C.(OAC) is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha