

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34993 of 2022

Chakradhar Mohapatra **Petitioner**

-versus-

The Commnr. For Employees **Opposite Parties**
Compensation-Cum-JLC, CTC
& Ors.

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
23.12.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Pursuant to the last order passed by this Court the Petition filed before the Commission seeking release of the fixed deposit amount on 12.12.2022 is produced before this Court. The same be kept on record.
3. Heard Mr. A.K. Sahoo, learned counsel for the Petitioner.
4. This writ petition has been filed challenging the order dtd.12.12.2022 passed by the learned Commissioner for Employees Compensation -Cum- Joint Labour Commissioner (JLC), Cuttack in E.C. Case No. 489-D/2012. Vide the said order learned Commissioner refused to release the amount, which has been kept in fixed deposit in terms of the order passed by this Court in FAO No. 609 of 2019 disposed of on 30.08.2019.
5. Learned counsel for the Petitioner submitted that the Petitioner in order to pay the school fee of his son Subrat Mohapatra who is

prosecuting his +2 in Abantika Residential Higher Secondary School, Charampa, Bhadrak filed the Petition on 12.12.2022 with a prayer to permit the Petitioner to withdraw the fixed deposit amount of Rs.2,15,722/- (Rupees Two lakh fifteen thousand seven hundred twenty two). However, it is contended that learned Commissioner without proper appreciation of the grounds taken in the petition dtd.12.12.2022, refused to allow the same on the ground that since the fixed deposit has been made on the direction of this Court passed in FAO No. 609 of 2019, the prayer cannot be allowed.

6. Learned counsel for the Petitioner contended that for the education of his son, the Petitioner is required to deposit a sum of Rs.1,40,000/- (Rupees One lakh forty thousand) before the school authority and unless the same is deposited within 2(two) weeks hence, he will not be allowed to prosecute his course. Petitioner also produced the ID card of his son Subrat Mohapatra also filed before this Court. Taking into account the grounds taken in the writ petition and the fact that the Petitioner needs the amount to pay the school fee of his son, this Court while interfering with the impugned order dtd.12.12.2022, directs the Commissioner to release a sum of Rs.1,50,000/- (Rupees One lakh fifty thousand) in favour of the Petitioner within a period of ten (10) days from the date of receipt of this order. The balance amount of Rs.65,722/- (Rupees Sixty five thousand seven hundred twenty two) be kept in a fixed deposit for a period of three (3) years from the date of release.

7. The Petitioner is also directed to produce the receipt showing payment of an amount of Rs.1,40,000/- (Rupees One lakh forty thousand) before the school authority before the learned

Commissioner within a period of seven (7) days from the date of release of the amount.

8. The writ petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha

