

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41894 OF 2021

Gadadhar Barik

.....

Petitioner

Mr. J. Gupta, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.02.2022

Order No.

1

This matter is taken up through video conferencing mode.

2. Heard learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to opposite party no.1 to take appropriate steps for availing un-utilize surrender leave and gratuity of 16 ½ months pay instead of 7 ½ months pay (pensionary benefits) to the petitioner, who is retired employee of the fully Aided Educational Institution as like as employees of Government Educational Institution on the basis of Rule-9 of the Rules, 1974 taking into consideration of the equal superannuation age of two categories employees and disburse the rest of the gratuity dues as well as Un-utilize surrender leave dues by modifying the office Memo No.4828 dated 24.01.2020 of Controller of Accounts and the Resolution dated 22.03.2018 of S & ME Department vide Annexures-3, 4 and 5 with cost

and further direct to opposite party no.1 to finalize the representation vide Annexure-6 within a stipulated period.

4. In course of hearing, learned counsel for the petitioner states that highlighting the grievances, the petitioner has made representation to opposite party no.1 vide Annexure-6 and the same may be directed to be considered within a stipulated time to which learned State Counsel has no objection.

5. As agreed by the learned counsel for the parties, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party no.1 to consider the representation filed by the petitioner vide Annexure-6 and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy this order.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

