

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9350 of 2020

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Kanchan Kumar Mishra Son of Late Ras Bihari Mishra Resident of Mohalla-Adarsh Colony, K.G. Road, Pir Baba, P.s.- Ara, District- Bhojpur, mobile no. 9534287727

... .. Petitioner/s

Versus

1. Surendra Prasad Singh Senior Divisional Manager, Oriental Insurance Company Ltd., Division Office-3, Sudama Palace, Kankarbagh, Patna
2. The Oriental Insurance Company Ltd., (A Government of India Undertaking), Orient House-A, 25/27 Asaf Ali Road, New Delhi-110002 through its Chief Executive Cum Managing Director
3. Chief Executive cum Managing Director the Oriented Insurance Company (A Government of India Undertaking), Orient House-A, 25/27 Asaf Ali Road, New Delhi-110002
4. Deputy General Manager (R.O. Incharge), Regional Office, Oriental Insurance Company Ltd., Kadam Kuan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Nath Choubey, Adv.
For the Respondent/s	:	Mr. Satyabir Bharti
		Ms. Sushmita Sharma
		Mr. Abhishek Anand

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-02-2023 Heard the parties.

2. Petitioner retired from the post of Branch Incharge of the Oriental Insurance Company. After retirement on 30.08.2019, gratuity to the extent of Rs. 18,79,487/- was sanctioned and after adjusting Rs. 4,82,190/- against the loss of pay of 148 days a sum of Rs. 13,96,543/- has been paid to the petitioner.

3. The dispute in this case is with regard to adjustment of a sum of Rs. 4,82,190/- against the gratuity



amount.

4. Learned counsel for the petitioner submits that petitioner after rendering satisfactory service in the Respondent-Corporation retired on 30.08.2019 but after retirement, it has been alleged that the petitioner was absent from his duty for about 328 days between 2017 to 2019 (till his retirement). In support of his contention that the petitioner was working all along during the aforesaid period, he has placed reliance upon certain documents attached along with his rejoinder.

5. Learned counsel appearing for Oriental Insurance Corporation submits that the petitioner may produce all the documents in support of the work done by him during the aforesaid period before the Respondent No.4, Deputy General Manager (R.O. Incharge), Regional Office, Oriental Insurance Company Ltd., Kadam Kuan, Patna, who shall consider the same and pass a reasoned order.

6. Taking into consideration the nature of dispute involved in the present case, the petitioner is directed to file a representation along with all the relevant documents in support of his claim before the Respondent No.4, Deputy General Manager (R.O. Incharge), Regional Office, Oriental Insurance Company Ltd., Kadam



Kuan, Patna, and if such representation is filed by the petitioner within a period of four weeks, the Respondent No.4, shall dispose the same in accordance with law by a speaking and a reasoned order within a period of three months from the date of receipt of the representation.

7. With the aforesaid observation and direction, the petition is disposed of.

(Anil Kumar Sinha, J)

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