



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19845 of 2022

Sarangadhar Bhoi

....

Petitioner

*Mr.Sisir Das, Advocate
along with Ms. Sradha Das, Advocate
-versus-*

State of Odisha & others

....

Opposite Parties

Mr. Arnav Behera, Addl. Standing Counsel

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

04.

ORDER

07.08.2024

This matter is taken up through Hybrid Mode.

2. Mr. Sisir Das, learned counsel along with Ms. Sradha Das, learned counsel appearing for the petitioner submitted that as per Rule 70 of the Odisha Civil Services (Pension) Rules, 1992 read with Finance Department Office Memorandum bearing No.31740-Pen.-44/91-F dated 27th August, 1991, the authority concerned without taking recourse of disciplinary proceeding or assessment of the dues, deducted certain amount of gratuity. Such action is not permissible in law. Drawing attention to page-77 of the writ petition, Miss Sradha Das, learned counsel for the petitioner pointed out that out of Rs.3,96,825/- as due to be disbursed towards amount



of gratuity/DCRG, the net payable has been computed at Rs.83,786/-.

3. Mr. Arnav Behera, learned Additional Standing Counsel submitted that after receipt of audit para, computation has been made. It is found that Rs.3,13,039/- is recoverable. Accordingly, letters have been issued and the petitioner has replied explaining each amount stated to be outstanding against him. Considering the said reply, the authority concerned vide Annexure-8 has sustained certain amount while dropping other audit objections. Mr. Arnav Behera, learned Additional Standing Counsel seeks ten days accommodation to obtain instruction with regard to Annexure-8 to ascertain the amount recoverable after dropping the audit objection.

4. List this matter on 21.08.2024.

(M.S. Raman)
Judge

Aswini

Signature Not Verified

Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: Personal Assistant (Secretary-in-charge)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 07-Aug-2024 18:38:12