

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37717 OF 2020

Bedbyas Barik

.....

Petitioner

Dr. J.K. Lenka, Advocate

Vs.

**Chairman-cum-Managing
Director, Bank of
Maharashtra & Ors.**

.....

Opposite parties

*Mr. R.C. Ojha, Adv.
O.P. No.2*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

29.07.2021

I.A. No.8652 of 2021

Order No.
03

This matter is taken up by video conferencing mode.

This application has been filed by the petitioner to stay the impugned order dated 21.06.2021 under Annexure-A to this application till disposal of the case.

Heard Dr. J.K. Lenka, learned counsel for the petitioner and Mr. R.C. Ojha, learned counsel appearing for opposite party no.2.

Dr. J.K. Lenka, learned counsel for the petitioner contended that challenging the order of dismissal, which has been passed without compliance of due procedure of law, the petitioner has approached this Court.

This Court vide order dated 25.01.2021 issued notice to the opposite parties. Instead of filing counter affidavit, the authority has issued notice of show-cause on 21.06.2021 to the petitioner vide Annexure-A to the interlocutory application for hearing on payment of gratuity. It is contended that when the matter is subjudged before this Court, impugned action is absolutely arbitrary and vindictive attitude of the authority.

Mr. R.C. Ojha, learned counsel appearing for opposite party no.2 seeks time to file counter affidavit and also objection

to this interlocutory application.

Considering the contentions raised by learned counsel for the parties, on perusal of Annexure-A dated 21.06.2021, it appears that the petitioner has been called upon to give reply why his gratuity amount shall not be forfeited.

In that view of the matter, let the petitioner file his reply before the authority. In the event the petitioner files his reply, the authority shall consider the same in accordance with law, but the same shall not be given effect to till 18.08.2021.

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.

Alok



DR. B.R. SARANGI, J.