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O.A. No. 355/07

ORDER DATED 25<sup>th</sup> NOVEMBER, 2008

Coram:

Hon'ble Shri A.K. Gaur, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

Heard Mr. B.S. Tripathy, Ld. Counsel for the applicant and Mr.D.K. Behera, Ld. Counsel for the Respondents.

2. This Original Application has been filed by the applicant challenging the order dt.25.08.2007 (Annexure-A/11) passed by the Chief Engineer (Respondent No.1) in rejecting the case of the applicant for exemption from payment of interest on gratuity.

3. Having heard the Ld. Counsel for the parties and having carefully gone through the appeal of the applicant (Annexure-A/8) praying for exemption from interest on gratuity amount for the period from 1988 to 2007 to the tune of Rs.4176.50, we are of the view that the grievance of the applicant might be redressed if a direction be given by this Tribunal to Respondent No.1 to reconsider the applicant's appeal Annexure-A/8 dated 05.07.2007 within a specified time, taking into account the facts and circumstances which entailed delay in payment of gratuity to the applicant. We accordingly quash the orders under Annexures-A/10 and A/11 and direct the competent authority to reconsider the applicant's appeal Annexure-A/8 dated 05.07.2007 afresh taking into account the

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grievance of the applicant on humanitarian approach and pass a reasoned and speaking order within 03 months from the date of receipt of copy of this order. Ordered accordingly.

4. With the above observation and direction, this Original Application is disposed of. No costs.

~~Chapak~~  
(C.R. MOHAPATRA)

ADMINISTRATIVE MEMBER

~~In Gaur~~  
(A.K. GAUR)  
JUDICIAL MEMBER

ORDER DATED: 20-02-2009

CORAM:

Hon'ble Mr Justice K. Thakurappa, Member(J)

Call on 06-03-2009.

WD  
Member(J)

Code Dr. 6.03.09.

Heard both the counsels. M.A. 105/09  
disposed of. Call after one month.

Member(J)

WD  
Member(J).