

3

O.A. No. 455/08

ORDER DATED 24th NOVEMBER, 2008

Coram:

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

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

Heard Mr. R.C. Rath, Ld. Counsel for the applicant and
Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents.

2. This Original Application has been filed by the applicant seeking for a direction to the Respondents to pay him the balance amount of gratuity of Rs.21,000/- (as admissible and due under the Gratuity Act, 1972) in view of the order passed by the Hon'ble Supreme Court in SLP (Civil) No.21309 of 2006 confirming the judgement rendered by the Hon'ble High Court of Punjab and Haryana in C.W.P. No.7576 of 2006.

3. Mr. Rath, Ld. Counsel for the applicant submitted that the applicant retired after attaining the age of superannuation on 14.08.2004. According to the applicant, he is entitled to get Gratuity under the Payment of Gratuity Act, 1972. He has already received a sum of Rs.18,000/- towards ex-gratia gratuity under the existing Rules. The dispute is with regard to the payment of balance amount of Gratuity of Rs.21,000/- to the applicant. As per the observations and directions of the Hon'ble High Court of Punjab and Haryana as upheld by the Hon'ble Supreme Court, the Respondents should make

h

payment of the balance amount of Gratuity, as claimed by the applicant. After dismissal of the SLP by the Hon'ble Supreme Court, the applicant approached the Respondents by way of representation, vide Annexure-A/5 to the O.A. to pay him the balance amount of gratuity. The Ld. Counsel for the applicant made prayer in this matter that a direction be given to the authorities to decide the pending representation by a reasoned and speaking order within a stipulated time.

4. Having heard Ld. Counsel for the parties and having carefully perused the records, we accordingly direct the competent authority to consider the case of the applicant in the light of Annexure-A/5 to the Original Application and pass a reasoned and speaking order within 03 months from the date of receipt of copy of this order. Ordered accordingly.

5. With the above observation and direction, this Original Application is disposed of at the admission stage itself. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K. GAUR)
JUDICIAL MEMBER