



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP (C) No.19755 of 2011

CNR No. ODHCO10326142011

M.D.O. State MARKFED

....

Petitioner

Mr. R. Dasnayak, Adv.

-versus-

**Controlling Authority, CTC
& Others**

....

Opposite Parties

Mr. C.K. Pradhan, AGA

Mr. S.N. Biswal, Adv.

(for O.P. No.3)

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

30.09.2026

Order No.

- 12.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. R.Dasnayak, learned counsel appearing for the Petitioner. In spite of appearance, nobody is there on behalf of Opp. party No.3 when the matter was called.
3. Even though the present Writ Petition was filed by the Petitioner-MARKFED challenging the award passed by the Controlling Authority under the Payment of Gratuity Act so passed vide judgment dtd.25.04.2009 under Annexure-5, but in course of hearing, learned counsel appearing for the Petitioner contended that Opp. Party No.3 in the meantime has already received the awarded gratuity amount to the tune of Rs.3,00,008/- so deposited by the Petitioner before the Controlling Authority and the same is also admitted by Opp. Party No.3 in his letter dtd.26.05.2011, so available



under Annexure-7 series. It is accordingly contended that since the gratuity amount has already been received by the Opp. Party No.3 in terms of the award, Petitioner is not liable to pay any interest so directed vide the impugned judgment dtd.25.04.2009 under Annexure-5.

4. Considering the submission made and taking into account the nature of the order passed by the Controlling Authority under Annexure-5, this Court finds that the Controlling Authority while disposing the application so filed by Opp. Party No.3, directed the Petitioner to pay a sum of Rs.3,00,008/- towards gratuity and also directed for payment of interest, in terms of the provisions contained under Section 7(3) of the Payment of Gratuity Act.

5. Even though Opp. Party No.3 has been paid with the gratuity amount, but since the order, so far as interest is concerned, has not yet been complied with, submission made that Petitioner is not liable to pay the interest, is not acceptable to this Court.

6. At this point of time, learned Counsel appearing for the Petitioner prays for withdrawal of the Writ Petition with liberty to challenge the impugned order under Annexure-5, so far as the direction to pay the interest is concerned. However, it is contended that delay in filing the appeal be condoned.



7. Having heard learned counsel appearing for the parties, considering the submission made and since the Writ Petition is pending before this Court w.e.f 22.07.2011, it is observed that if any such appeal is filed within a period of 3(three) months from the date of receipt of this order, the appellate authority shall entertain the appeal and decide the issue with regard to grant of interest in accordance with law and by giving an opportunity of hearing to Opp. Party No.3, without insisting on any delay.

7. The Writ Petition accordingly stands disposed of with the aforesaid liberty.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa cuttack
Date: 01-Oct-2026 16:37:28

