



राष्ट्रीय अनुसूचित जनजाति आयोग  
**National Commission for Scheduled Tribes**

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)  
(A constitutional body under Article 338A of the Constitution of India)

Dated: - 26.09.2022

F.No NCST/SER-346/OR/4/2022-SSW

To,

The Principal Secretary  
Housing and Urban Development Department  
Government of Odisha  
3<sup>rd</sup> Floor, Kharvel Bhavan , West Wing, Room No. – 302  
Bhubneswar- 751001 (Odisha)  
Email:- [hudsec.or@nic.in](mailto:hudsec.or@nic.in)

**Sub:- Release of gratuity and unutilized leave salary of Late Shri Trilochan Nayak, Ex- Junior Engineer, O.S.H.B- representation dated 06.04.2022 of Smt. Bharati Nayak (W/o Late Shri Trilochan Nayak).**

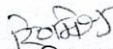
Sir,

I am directed to enclose herewith a copy of the minutes of Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on 20.09.2022 at 03:00 P.M. in the National Commission for Scheduled Tribes, Lok Nayak Bhawan, Khan Market, New Delhi 110003 on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within stipulated time for placing it before the Hon'ble Member.

Yours faithfully,

Encl:- as above

  
(आर.एस.मिश्र / R.S. Misra)  
अनुसंधान अधिकारी / Research Officer

Copy to :-

✓ Smt. Bharati Nayak (W/o Late Shri Trilochan Nayak  
Odisha State- Housing Board, Kharvel Nagar  
Plot No. A/326, Bhubaneswar- 751001 (Odisha)

Copy for information

1. ✓ PS to Hon'ble Member, NCST.
2. ✓ NIC, NCST for uploading on the website of the Commission.



## National Commission for Scheduled Tribes

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No. NCST/SER-346/ OR 14/2022-SSW

**Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Smt. Bharati Nayak (W/o Late Shri Trilochan Nayak, Ex-Junior Engineer, Odisha State Housing Board) regarding release of gratuity and unutilized leave salary of her husband.**

**Date of the sitting:** 20/09/22, 03:00 PM

**Participants in the Sitting** - As per Annexure

Smt. Bharati Nayak (W/o Late Shri Trilochan Nayak, Ex-Junior Engineer) vide her representation dated 06.04.2022 has alleged that the Odisha State Housing Board (OSHB) is not releasing gratuity and unutilized leave salary of her husband (Late Shri Trilochan Nayak, Ex-Junior Engineer). The NCST vide notice dated 27.04.2022 has referred the matter to Principal Secretary, Housing and Urban Development Department (H&UDD) Govt. of Odisha for facts and comments within 15 days from the receipt of the notice. The Housing and Urban Development Department, Govt. of Odisha vide letter number HUD-HU-CASEOP-0013-2021-7998/HUD dated 06.05.2022 has referred the matter to Secretary, OSHB for appropriate action and copy endorsed to petitioner and NCST.

In response to H&UDD, Bhubaneswar above letter dated 06.05.2022, the petitioner vide letter dated 18.06.2022 has informed about unauthorised absent from duty of her husband and alleged that she has been transferred from Bhubaneswar Head Office to Cuttack Division Office, Cuttack. Thereafter, NCST has again taken up the matter with the Principal Secretary, Housing and Urban Development Department, Govt. of Odisha on 23.06.2022 for facts and comments. There is no reply received from the authority.

The Hon'ble Member, NCST, decided to discuss the issue with the authorities and petitioner on 20.09.2022 at 03:00 PM. Accordingly, Summons were issued to Principal Secretary, Housing and Urban Development Department, Govt. of Odisha on 09.09.2022.

The Principal Secretary, Housing & Urban Development Department informed that OSHB has released EPF amounting to Rs 3,18,497/-, Leave salary amounting to Rs 1,03,532/- and Gratuity amounting to RS 1,31,213/- in favour the petitioner. The Commission pointed out that the petitioner's husband had been in service from 1992 before he went on unauthorized leave and his half pay leave entitlement should be taken into account as well. Furthermore, the amount had been paid after 11 years and as such it would be equitable to consider payment of interest. The Principal Secretary, Housing and Urban Development Department, Government of Odisha, assured that he will re-examine the issues. He also stated that he was not aware about her recent transfer but he would try to get her restored to Bhubaneswar office.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

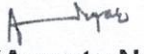
भारत सरकार/Govt of India

नई दिल्ली/New Delhi



After the discussion, the Commission recommends the following and if ATR is not received within 30 days of receipt of minutes, the Commission will hear the case in the first week of November 2022.

- Half pay leave to be calculated and service period to be re calculated according to adjustment of half pay leave, as per rule
- Interest to be calculated using equitable approach and paid along with the recalculated accrued amount.
- The amount of Loan must be reduced to the lowest amount as per rules. The issue of loan taken by the petitioner to be re-examined. The same may be waived on humanitarian grounds.
- The petitioner to be transferred back to Bhubaneshwar within 30 days.

  
**(Ananta Nayak)**  
Member

National Commission for Scheduled Tribes

अनंत नायक/ANANTA NAYAK  
सदस्य Member  
राष्ट्रीय अनुसूचित जातों के आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

Annexure

List of participants of the sitting held on 20.09.2022 at 03:00 PM under the Chairmanship of Shri Ananta Nayank, Hon'ble Member, NCST, New Delhi in the case of Smt. Bharati Nayak (W/o Late Shri Trilochan Nayak) regarding for release of gratuity and unutilised leave salary of her husband Late Shri Trilochan Nayak, Ex-Junior Engineer, O.S.H.B.

I	<b><u>Housing and Urban Development Department, Govt. of Odisha</u></b>
	Shri G.Mathi Vathanan, Principal Secretary
II	<b><u>Petitioner</u></b>
	Smt. Bharati Nayak (W/o Late Shri Trilochan Nayak) - Not present in the sitting Village- Raikudan, Post- Bholabeda, Via – Dhankikote, District- Keonjhar- 758029 (Odisha) Mobile No. - 7381915673