IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 26869 of 2022

Ranjan Kumar Kar **.....** ***Petitioner***

Mr. D.K. Mohapatra, Adv.
On behalf of
Mr. H.K. Mund, Adv.

-versus-

State of Odisha & Ors. **.....** ***Opposite Parties***

Mr. P.K. Sahoo, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
21.07.2026

Order No. 06

1. This matter is taken up through hybrid mode.

2. Heard Mr. D.K. Mohapatra, learned counsel appearing on behalf of Mr. H.K. Mund, learned counsel appearing for the Petitioner and Mr. A. Tripathy, learned Addl. Govt. Advocate for Opp. Parties.

3. The present Writ Petition has been filed inter alia with the following prayer:-

> *"It is, therefore, humbly prayed that this Hon'ble Court may graciously be pleased to issue rule NISI calling upon the opposite parties to show cause as to why an appropriate writ/direction will not be issued quashing the impugned Order vide Annexure-1 and in further ordering the O.P. No.1 to sanction and disburse the unutilized leave due to the petitioner.*

And in the event the opposite parties fail to show cause or show insufficient cause make the rule absolute.

And pass any other appropriate order/orders, direction/directions, writ/writs as deem fit and proper,

And for this act of kindness the Petitioner as in duty bound shall ever pray."

4. It is contended that without any reason and basis and without giving any opportunity of hearing to the Petitioner, Petitioner has been directed to pay penal rent of Rs.8,35,215/-, vide the impugned order communicated on dated 16.02.2022 under Annexure-1.

4.1. It is contended that since such an amount has not been determined in accordance with law and by following principle of natural justice, Petitioner could not have been saddled with such a liability.

4.2. It is further contended that even though Petitioner has retired, but his unutilised leave salary is not being released, because of non-deposit of the aforesaid amount towards penal rent.

5. Learned Addl. Govt. Advocate, on the other hand contended that since Petitioner remained in unauthorised occupation of the quarter so allotted in his favour for the period February, 2007 to May, 2020, the amount towards penal rent has been imposed on the Petitioner. It is accordingly contended that since Petitioner remained in unauthorised occupation of the quarter for the period February, 2007 to May, 2020, no illegality or irregularity can be found with the demand raised under Annexure-1.

6. Having heard learned counsel for the Parties and considering the submission made, this Court while disposing the Writ Petition permits the Petitioner to move an appropriate application before Opp. Party No.2, for reconsideration of the demand made against him vide Annexure-1.

6.1. It is observed that if any such application is moved within a period of three (3) weeks hence, Opp. Party No. 1 shall do well to take a lawful decision on the same within a further period of three (3) months from the date of receipt of such application. The order so passed by Opp. Party No. 1 be communicated to the Petitioner.

6.2. It is further observed that on such reconsideration of the issue, if the Petitioner will be found eligible to get the benefit of unutilised leave salary, the same be also released in his favour.

7. With the aforesaid observation and direction, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti

Signature Not Verified
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Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 27-Jul-2026 16:32:04