

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 26020 of 2013

Subodh Chandra Routray

.....

Petitioner

Mr. S.N. Pattnaik, Advocate

Vs.

State of Odisha & Another

.....

Opposite parties

Mr. S.N. Nayak, A.S.C.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

18.04.2022

Order No.

09.

This matter is taken up through hybrid mode.

2. Mr. S.N. Pattnaik, learned counsel files Vakalatnama on behalf of the petitioner in Court today, which is taken on record.

3. Heard Mr. S.N. Pattnaik, learned counsel for the petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.

4. The petitioner has filed this writ petition assailing the order dated 08.02.2013 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3022(C) of 2007 under Annexure-18, by which the notional benefit for the period from 21.08.1980 to 03.04.1994 with annual increments and revisional scale of pay has not been granted by the tribunal, though extended the benefit w.e.f. 05.04.1994 to 15.01.1998.

5. Learned counsel for the petitioner states that so far as the claim for the period from 21.08.1980 to 03.04.1994 is concerned, the petitioner requires the same for the purpose of notional benefit.

6. Having heard learned counsel for the petitioner and after going through the records, this Court finds that admittedly the

petitioner remained absent from duty for the period from 21.08.1980 to 03.04.1994 and, as such, he has not discharged his duty for the said period. As to the reasons for such absence, the petitioner has stated that due to illness he could not be able to discharge his duty. Therefore, while considering the grievance of the petitioner, the tribunal took note of the judgment of the apex Court in the case of *Union of India v. Ashok Kumar Sharma*, (2012) SCC (L&S) 712, wherein the apex Court observed that government servant on extra ordinary leave is entitled to leave salary only and is expected to earn his increments and revision of pay, and admittedly the petitioner remained absent during the aforesaid period without performing any work, therefore, he cannot be entitled to such benefits.

7. In the above view of the matter, this Court does not find any error apparent on the face of the order passed by the tribunal so as to cause interference with the same.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Sukanta

(SAVITRI RATHO)
JUDGE