

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.35 of 2005

Subal Sahoo

....

Petitioner

Mr.K.K.Swain, Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr.R.K.Samal, Standing Counsel
for S & ME Deptt.

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

11.01.2022

Order No.

01.

1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel appearing for the parties.
3. This Original Application involves the following relief:

“Under the above circumstances, it is humbly prayed that the Original Application be allowed:

A n d

- (a) necessary direction be made to the respondents more particularly to the respondent no.3 to regularize the services of the applicant by sanctioning leave for the period from 31.10.1994 to 26.06.1995 and by releasing his monthly salary for the period from 27.06.1995 to 31.8.1997 and thereafter his annual increments since 2000 onwards may be sanctioned and his pay may be revised in terms of the Orissa Revised Scale of Pay Rules, 1998 w.e.f. 1.1.1996;
- A n d
- (b) any other order/orders or direction/directions be issued so as to give complete relief to the applicant;”
4. Filing counter affidavit, the State opposite parties in Paragraphs- 3 & 4 submitted as follows:

“3. This deponent humbly submitted that the petitioner while working as Hindi teacher in Gondibedha High School, Maratira submitted application dt.31.10.94, 4.11.94 and 28.2.95 to avail of leave from 31.10.94 to 4.11.94, 5.11.94 to 28.2.95 and from 1.3.95 to till

resumption of his duty respectively owing to his mental illness in plain papers to the Headmaster, Gondibedha High School, Maratra. The petitioner has not submitted his leave applications in the prescribed form along with the required Medical certificate for sanction of his leave as per prescribed in the Orissa Leave Rules, 1966. The copies of leave applications dt.31.10.94, 4.11.94 and 28.2.95 and Medical certificate are filed herewith as Annexure-A/3, B/3, C/3, D/3 respectively.

4. That this deponent humbly submitted that no proposal for sanction of leave for the aforesaid period in faovur of the petitioner along with supported documents has been received from the Headmaster so far for which the Petitioner has not been sanctioned leave for the aforesaid period. The Headmaster, Gondibedha High School, Maratira has requested the applicant vide his Registered Letter No.58/95 dt.26.9.95, No.60/95 dt.18.10.95, No.13/96 dt.6.2.96 and No.96/96 dt.8.11.96 to resume his duty as early as possible but he did not turn up, The copies of the letters of Headmaster, Gondibedha High School addressed to the applicant are filed herewith s Annexure-E/3, F/3, G/3, H/3 respectively.”

5. Through the above, it is observed that petitioner though requested for consideration of leave period involved but, however, did not file application in proper format; even did not disclose medical certificate to support his such case. It is at this stage of the matter, learned counsel for the petitioner seeks withdrawal of the application with liberty to the petitioner to file necessary application in appropriate format along with medical certificates, if any.

6. Keeping this in view, this Court disposes of the application as withdrawn, but however with liberty to the petitioner as prayed for. Petitioner may do so at least within a period of fifteen days hence.

7. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court’s website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court’s Notice No.4587, dated 25th March, 2020 as

modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

Sks

