

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 345 of 2016

Swornalata Bhoi

....

Appellant

Mr. S. Satapathy, Advocate

-versus-

State of Odisha and Others

....

Respondents

Mr. M.K. Khuntia, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

11.10.2022

Order No.

Misc. Case No. 590 of 2016

02. 1. For the reasons stated therein, the application is allowed. Delay is condoned. The Misc. Case is, accordingly, disposed of.

W.A. No. 345 of 2016

2. The present appeal is directed against an order dated 21st June, 2016 passed by the learned Single Judge dismissing writ petition i.e. W.P.(C) No.8567 of 2016 filed by the present Appellant questioning an order dated 6th May, 2016 passed by the Chief District Medical Officer (CDMO), Puri by which the representation made by the Appellant in terms of an earlier order passed by the learned Single Judge in W.P.(C) No.4816 of 2015 was rejected by the CDMO.

3. The grievance of the Appellant is that after she returned from her leave which she had availed for looking after her ailing husband on

3rd February, 2015 she was not allowed to work as ASHA Worker in Ganeswarpur village under the Gop CHC where she had been engaged since 10th September, 2007.

4. Admittedly, the Appellant remained on leave with effect from 28th October, 2014. According to her, she had gone to attend to her husband, who had sustained an injury in his right palm at his place of work at Surat. What the learned Single Judge found was that despite opportunities, the Appellant could not produce any medical certificate or discharge summary regarding her ailing husband in order to show that her absence was *bona fide*. She remained absent from service for about three months. The engagement as ASHA was purely contractual and it was incumbent on her to have informed the competent authority before absenting herself, so that he could make alternative arrangements.

5. As regards the leave application, the Appellant claimed that she did not retain a copy of the leave application and therefore, could not produce it. The learned Single Judge has rightly observed that merely on an oral statement, the Appellant's plea in this regard cannot be accepted.

6. Having heard learned counsel for the Appellant and having perused the impugned order of the learned Single Judge, the Court is unable to find any error having been committed in dismissing the writ petition filed by the Appellant. This is a case where there is absolutely no document produced by the Appellant to substantiate any of her pleas either on proceeding on leave or about staying away for three months to attend the medical needs of her husband.

7. Consequently, no error can be found in the impugned order of the learned Single Judge. The appeal is, accordingly, dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.

