

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15953 of 2022

Binod Kumar Das

....

Petitioner

Mr. C.S.Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C.Das, A.S.C.

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
08.07.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned Additional Standing Counsel for the State.
3. The present application has been filed with the following prayer:
- ‘‘It is therefore, most humbly prayed that this Hon’ble Court may graciously be pleased to admit the writ application, to issue rule Nisi calling upon the Opposite Parties to show cause as to why the prayer made hereunder be not allowed, upon showing insufficient cause/no cause make the said Rule absolute, Issue writ/writs in the nature of

Mandamus directing the Opp.Party Nos.1 & 2 to sanction and disburse the utilised leave salary of the Petitioner keeping in view the decision of the learned Tribunal at Annexure-7 series and the decision of Hon’ble Apex Court in the matter of State of Jharkhand vrs. Hitendra Kumar Srivastava reported in (2014) 2 SCC (L& S) 570 within a time to be stipulated by this Hon’ble Court.

And/or may pass such other writ/writs, order/orders, direction/directions as this Hon’ble Court may think fit and

proper for the ends of justice.”

3. It is submitted by the learned counsel for the Petitioner that similar benefit have been extended to the similarly situated persons pursuant to an order passed by this Court in W.P.(C) No.3442 of 2016 disposed of on 28.02.2017 in the matter of State of Odisha and others-v-Nirmal Ch.Satpathy. Learned counsel for the Petitioner further submits that the Petitioner is similarly situated with Nirmal Ch. Satpathy, therefore, the Petitioner is eligible to get the benefit. However, the authority acted in an arbitrary manner and has not extended the same benefit to the Petitioner.

4. Learned Additional Standing Counsel on the other hand submits that let the petitioner approach the competent authority along with a copy of the order in the aforesaid case. After examination if the authority comes to a conclusion that the Petitioner is similarly situated with Nirmal Chandra Satpathy, then he can also be extended the similar benefit by the authority.

5. Having heard the contentions of the learned counsel for the respective parties and upon perusal of the record, this Court disposes of the writ application at the stage of admission with a direction that the Petitioner shall approach the Opposite Party No.1 by filing a fresh representation along with all supporting documents and a copy of the judgment of this Court in W.P.(C) No.3442 of 2016 and in the event such a representation is filed the same shall be considered in the light of the law laid down in the aforesaid judgment and the same shall be disposed of by passing a speaking and reasoned order within a period of two months. In the event it is found that the Petitioner is entitled to get similar benefit then the same shall be released in favour of the Petitioner within a period of three months from the date of filing of representation.

6. With the aforesaid observation, the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

