

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2106 of 2009

Laxman Rath

.....

Petitioner

Mr. P.C. Chhinchani, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

09.12.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Chhinchani, learned counsel for the petitioner and Mr. S. Rath, learned Additional Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking to quash the order under Annexure-10 and to direct the opposite parties to grant and disburse the salary and other consequential benefits in his favour by treating the intervening period with effect from 21.06.2002 to 10.05.2005 as duty, within a stipulated period.

4. The petitioner who was continuing as the IPO, DIC Rayagada since was transferred, he approached the Orissa Administrative Tribunal by filing O.A. No. 713 (C) of 2007. The said original application was disposed of vide order dated 20.03.2007 directing the opposite parties to consider the paper book as the representation of the petitioner and pass appropriate order regarding the claim for regularization. In compliance to the said direction, the order impugned dated 09.08.2007 under Annexure-10 was passed indicating therein that the period of his absence from duty i.e. from 21.06.2002 to 10.05.2005 is considered as unauthorized absence from duty and that it be considered as extraordinary leave for the purpose of regularization of his service.

5. Mr. P.C. Chhinchani, learned counsel for the petitioner contended that similar question had come up for consideration before this Court in ***Smt. Bishnupriya Devi v. State of Odisha and others*** (WPC (OAC) No. 1095 of 2011 disposed of 13.10.2022). Therefore, the case of the petitioner may be considered in the light of the said judgment.

6. In that view of the matter, the impugned order dated 09.08.2007 under Anenxure-10 is hereby quashed and opposite party no.1 is directed to re-consider the matter in the light of the judgment passed by this Court in the case of ***Bishnupriya Devi*** (supra) and pass appropriate order in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of production of the certified copy of the order along with a copy of the judgment passed in the case of ***Bishnupriya Devi*** (supra).

Arun

(DR. B.R. SARANGI, J.)

