

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.34 of 2018

Markanda Das

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.10.2022

Order No

06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. Prusty, learned Standing Counsel appearing for the Opp. Parties.

3. It is submitted that the Petitioner though is entitled to get the benefit of unutilized leave salary for a period of 98 days and in that regard he has made an application before the D.E.O., Khurda on 08.02.2017 under Annexure-13, but no decision has been taken by the said Authority till date. It is also submitted that the claim of the Petitioner to get the benefit of the same is covered by a decision of this Court rendered in ***W.P.(C) No.2488 of 2018*** vide order dtd.01.05.2018.

4. Mr. Prusty, learned Standing Counsel on the other hand submitted that the claim of the Petitioner is a stale claim and it should not be entertained.

5. Having heard learned counsel for the Parties and in view of the fact that the claim of the Petitioner has not yet been considered by the D.E.O., Khurda, this Court while disposing the writ Petition, directs the O.P. No. 3 to take a lawful decision on the same within a period of two (2) months from the date of receipt of this order.

5. It is, however, observed that while taking such a decision, the said Authority shall take into consideration the relevancy and effect of order dtd.01.05.2018 as cited supra.

6. The writ Petition is disposed of.

Sneha



(Biraja Prasanna Satapathy)
Judge