

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 749 of 2018

Swagatika Nandi

.....

Petitioner

Mr. M. Pati, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. M. Pati, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the order dated 15.05.2017 under Annexure-6, by which the period of disengagement from 17.09.2015 (not 19.09.2015) to 29.07.2016 was directed to be treated as “No work No Pay” and the period of absence from duties due to disengagement will however not be a bar for further renewal of contract as clearly spelt out in order dated 08.07.2016, and to issue direction to the opposite parties to release the remuneration for the period from 17.09.2015 to 29.07.2016 with all service benefits.

4. Mr. M. Pati, learned counsel for the petitioner contended that the petitioner, who was appointed as a Contract Teacher (Classical) in Government Up-graded High School, has been disengaged from service w.e.f. 17.09.2015 to 29.07.2016 being a contractual employee and, as such, she has not discharged her duty for the said period. But it is contended that the petitioner is

entitled to receive the benefit and, therefore, the said period should be regularized and she should be extended with the benefits.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department in view of the judgment of the apex Court in the case of Divisional Controller, Maharashtra State Road Transport v. Kalawati Pandurang Fulzele, 2022 SCC OnLine SC 112, the petitioner is not entitled to get such benefits.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner was disengaged from service after her contractual period was over and thereafter she was re-engaged. Therefore, the period the petitioner was disengaged from service till she reengaged in service, she is not entitled to get the salary, in view of the judgment of the apex Court in the case of Divisional Controller, Maharashtra State Road Transport v. Kalawati Pandurang Fulzele, 2022 SCC OnLine SC 112.

7. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok