

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.167 of 2016

Sri Chintamani Dash

.... ***Petitioner***

Mr. R.K. Bisoi, Advocate

-versus-

State of Odisha & Others

.... ***Opposite Parties***

Mr. Nilambar Jena, Standing Counsel for S & ME

CORAM:

JUSTICE M.S. RAMAN

ORDER

19.07.2022

Order No.

06. 1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 167 of 2016 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 167 of 2016.
3. The Petitioner is aggrieved by non-sanction of unutilized leave salary of 169 days. It is alleged that while the Petitioner was continuing as Classical Teacher, he was transferred to Government Girls' High School, Unit-V, Bhubaneswar in the year 1992. Thereafter, the Petitioner rendered his services in Capital High School, Bhubaneswar in the year 1995. He was further transferred to Government Girls' High School, Unit-IX, Bhubaneswar in the year 2012 and he got retired from Government Service on 31st October, 2013.
4. Counsel for the Petitioner submitted that at the time of leaving Capital High School in 2012, 289 days' of EL was available with the Petitioner and similarly situated persons have been granted unutilized leave salary. In the wake of the above facts, the counsel for the Petitioner submitted that a direction be issued to the Opposite Parties to sanction and disburse 169 days' of unutilized salary to the Petitioner.

Though, the learned Tribunal issued notice vide order dated 28th January, 2016 directing filing of counter, no reply has been filed by the Opposite Parties. Therefore, it is not deemed proper to allow further time to the Opposite Parties.

5. On 29th July, 2021, when the matter was listed before this Court. Learned Standing Counsel for the School and Mass Education Department submitted that he received para-wise comments and sought for adjournment to file counter affidavit. Accordingly, the matter was directed to be listed two weeks after. Around one year has been lapsed since then; no counter affidavit has been filed. It is deemed that Opposite Parties are not interested to file counter affidavit in this case.

6. Taking into consideration, the submissions made by the learned Counsel for the Petitioner, the interest of justice, would be best served of the Opposite Party No.2 i.e., Director of Secondary Education, Odisha, Bhubaneswar is directed to consider the plight of the Petitioner and take a decision on the merit of the matter.

7. The Opposite Party No.2 is required to take a decision within a period of two months from the date of production of certified copy of this order by taking into consideration the submissions of the Petitioner with regard to availability of unutilized leave salary of 169 days. It is also be kept in mind that the Petitioner has already been retired since 2013.

8. Needless to observe here that the District Education Officer, Khurda had apprised the Director, Secondary Education vide letter bearing No.824, dtd.24.03.2015 with regard to grievance of Petitioner which may be considered at the time of disposal of representation the Petitioner. A reasoned order be passed and communicated to the Petitioner.

9. With the aforesaid observation and direction, the writ petition stands disposed of.

(M.S. Raman)
Judge

Laxmikant

