

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.1212 of 2016

Laxmidhar Behera

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA,

CORAM:

JUSTICE M.S. RAMAN

ORDER

29.08.2022

Order No.

11.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.1212 (C) of 2016 was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 1212 of 2016.
3. The Petitioner challenged the order dated 30th September, 2013 of Superintendent of Police, Angul. The order runs as follows:

H/C 415 Laxmidhar Behera of Kaniha P.S. has availed 5 days C.L. w.e.f. 7.5.13 PM to 12.05.13 PM. He was due for joining on 13.5.13 AM. But he overstayed the leave with intimation and resumed his duty on 23.7.13 AM. The overstayal period from 8.5.13 AM to 22.7.13 PM including 5 days CL comes to 76 days has been decided.

The intimation on page 22/c does not bear the date, stamp of R.O of Kaniha PS (Date of stamp without date mentioned). Though SDE is mentioned, there is no countersignature of IIC.

Hence the intimation and MC are not acceptable.

The period of unauthorized absence from 13.5.13 to 22.7.13 (excluding CL) I.e. 71 days is treated as no pay."

4. The petitioner in the Writ Petition prays for treating 71 days of alleged unauthorized absence as 'authorized'.

5. At the time of hearing today, since none has appeared for the Petitioner, it is construed that the Petitioner is no more interested to contest the matter.

6. In view of the above matter, the Writ Petition stands dismissed.

(M.S. Raman)
Judge

Sipun

