

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.1232 of 2015

Dandapani Panigrahi

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.06.2022

Order No

01.

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

2. Heard Mr. L.P. Dwivedy, learned counsel for the Petitioner and Mr. N.K. Praharaj, learned Standing Counsel appearing for the State-Opp. Parties.

3. The Petitioner is aggrieved by the Order at Annexure-6 passed by the Superintendent of Police, Chatrapur, Ganjam, wherein the period from 02.11.2013 to 27.05.2014 has been treated as extraordinary leave.

4. It is submitted by the learned counsel for the Petitioner that because of the assault committed by the I.I.C., Buguda P.S., the Petitioner remained on medical treatment from 01.04.2003 till 27.05.2014 and he was ultimately discharged on 28.05.2014 vide Annexure-2. It is also submitted that challenging such action of the I.I.C., Buguda P.S., Petitioner has also approached the Odisha

Human Rights Commission in Case No. 1552 of 2013 and the said matter is subjudiced before the said Commission.

5. It is submitted that since the Petitioner because of the assault committed by the I.I.C., Buguda P.S. was forced to remain on medical leave for the period from 01.04.2013 to 27.05.2014, the period from 02.11.2013 to 27.05.2014 should not have been treated as extra-ordinary leave and accordingly the Petitioner is not liable to pay the amount indicated in the said order at Annexure-6. This Court while issuing notice of the matter has stayed the recovery for the said amount as indicated in Annexure-6.

6. Mr. Praharaj, learned Standing Counsel through made his submission relying on the stand taken in the counter, but provided the instruction communicated by Odisha Public District Headquarter, Chhatrapur, Ganjam on 09.06.2020. In the said communication it has been indicated that against the order passed by the Superintendent of Police at Annexure-6, the Petitioner has already approached the D.G. & I.G. of Police with a prayer to regularize his sick period from 01.04.2013 to 27.05.2014. It is also submitted by Mr. Praharaj that no decision has been taken by the D.G. & I.G. of Police on such prayer of the Petitioner.

7. Taking into account the submission made by the learned counsel appearing for both the Parties, this Court while disposing the writ Petition, directs the D.G. & I.G. of Police-O.P. No. 1 to reddecide the matter by giving a personal hearing to the Petitioner. Since it is the case of the Petitioner that because of the assault committed by the I.I.C., Buguda P.S., Petitioner was compelled to remain on medical leave from 01.04.2013 to 27.05.2014. It is expected that

D.G. & I.G. of Police while redeciding the matter shall take a sympathetic view of the same and pass appropriate order.

8. It is observed that till a fresh decision is taken by the said Opp. Party No. 1, no recovery shall be made from the Petitioner in terms of the order at Annexure-6. O.P. No. 1 is directed to take a fresh decision within a period of four (4) months from the date of receipt of this order. The Petitioner is directed to produce the same before the said Opp. Party within a period of ten (10) days from today.

9. The writ Petition is disposed of with the aforesaid observation and directions.

Sneha



(Biraja Prasanna Satapathy)
Judge