

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.4078 of 2016

Illola Guroo

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.12.2022

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Pursuant to the order passed by this Court on 25.11.2022 Smt. Nibedita Pany, D.E.O., Dhenkanal is present in Court today and files an affidavit, the same be kept on record.
3. The present writ petition has been filed challenging the order dtd.29.12.2015 passed by the DEO, Dhenkanal under Anenxure-12. It is contended that vide the said order DEO, Dhenkanal did not consider the direction given by the learned Tribunal in its order dtd.09.10.2014 in O.A. No. 959(C) of 2015 under Annexure-9.
4. Learned counsel for the Petitioner submitted that the Petitioner though had performed her duty for the period from 04.11.2012 to 23.06.2014, but the said period has been treated as unauthorized absence and accordingly she was not paid with her salary, even though learned Tribunal had directed the Headmaster of the School to submit the pay bill of the Petitioner for the said period.

5. Mr. Acharya, learned Standing Counsel on the other hand submitted that since the Petitioner did not discharge his duty for the said period from 04.11.2012 to 23.06.2014 the said period has already been treated as unauthorized absence. In the affidavit filed in Court today, similar stand has also been taken that since the Petitioner did not perform her duty for the said period relying on the principle of “no work no pay”, she is not eligible to get the benefit of salary.

6. Taking into account the rival submissions made by the learned counsel for the Parties this Court while disposing the writ petition, permits the Petitioner to make a detailed representation before the D.E.O., Dhenkanal along with documentary proof in support of her stand that she has discharged her duty for the period from 04.11.2012 to 23.06.2014. On such furnishing of documents along with the application before the DEO, Dhenkanal, the O.P. No. 3 shall take a lawful decision on the same within a period of three (3) months from the date of receipt of such application.

7. The writ petition is disposed of with the aforesaid observation and direction.

8. Personal appearance of the DEO, Dhenkanal is dispensed with.

(Biraja Prasanna Satapathy)
Judge

Sneha