

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.623 of 2017

Sri Chaturbhuja Nayak

....

Petitioner

Mr. Satyabrata Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.03.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. This writ petition has been filed with the following prayer:
- “(i) Allow the original application.
 - (ii) Issue notice to the respondents.
 - (iii) To direct the respondents to regularize the period of service w.e.f. 22.03.2006 to 26.02.2009 with all consequential service benefits as the same is kept pending before the authority/respondents since long.
 - (iv) And pass any such other order/order(s) as deem fit and proper in the facts and circumstance of the case.
4. Learned counsel for the State with reference paragraph-1 of the Counter Affidavit draws attention of this Court, which is quoted hereunder:

“1) xx xx xx. Moreover, in spite of repeated instructions providing opportunities to the applicant to apply for leave for the absence period from 22.03.2006 to 02.10.2008 and from 04.10.2008 to 26.02.2009, he has not applied as yet. Since, the applicant; did not perform his duty, the principle of “No work, no pay” is applicable for the period he remained absent. If the applicant applies for leave of the period of his absence, the same shall be regularized as per rule applicable and admissible by the appropriate authority.

5. In view of the settlement made in the Counter Affidavit, the Petitioner is directed to file appropriate application as indicated in the Counter Affidavit within a period of two weeks along with certified copy of this order. In such event, the Opposite Parties shall regularize the period from dated 22.03.2006 to 02.10.2008 and from 04.10.2008 to 26.02.2009 as stated by the Opposite Parties in the Counter Affidavit. The entire exercise shall be completed within a period of two weeks from the date of filing of such application.

6. With the above direction, the Writ Petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge