

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAB) No.46 of 2012

Dr. M. Lakshmi

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. P.K. Mohanty, ASC

CORAM:

JUSTICE M.S. RAMAN

ORDER

20.10.2022

Order No.

- 02.** 1. The Original Application No. 46 of 2012 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAB) No. 46 of 2012.
2. None appeared for the Petitioner at the time of call. On earlier occasion also, when the matter was called i.e., 3rd March, 2022, none appeared for the Petitioner. It is construed that the Petitioner is no more interested to pursue the matter.
3. Counter has been filed on behalf of Opposite Party Nos. 1 to 3, Labour Department. The counter reveals the fact that Dr. M. Lakshmi joined as Assistant Labour Officer under the Directorate on 10th July, 1989 and availed leave on the following occasions:-
1. E.L. from 17.10.94-23.10.94 (personal ground) - 7 days
 2. E.L. from 1.6.96-10.7.96 (self marriage) - 40 days
 3. E.L. from 20.9.96 – 14.11.96 (study leave) - 56 days
 4. E.L. from 18.1.97-9.3.97 (personal ground) - 51 days

5. *Commutated leave from 11.6.97-16.7.97(self illness)-36 days.*
6. *E.L. from 9.9.97-19.11.97 (self Illness)- 72 days*
7. *H.P.L. from 20.11.97-15.2.98 (self illness) – 88 days*
8. *E.O.L. from 16.2.98-7.1.99 (self illness)- 326 days*
9. *Maternity Leave from 8.1.99-7.4.99- 90 days*
10. *E.O. L. from 8.4.99-13.11.2000(self illness)-586 days*
11. *E.O. L. from 1.2.2001-14.4.,2003 (self illness)- 803 days*
12. *E.O. L. from 1.10.2003-18.10.2003 (illness of son)-18 days*

Total- 2173 days”

4. Thereafter, she remained on casual leave on 1st April, 2004 without handing over charge and said leave was extended up to 30th April, 2004. No leave application was received by the department. While on unauthorized absent from duty, she applied for retirement under Voluntary Retirement Scheme on 12th March, 2004.

5. It is further noted that on 28th June, 2004, Dr. M. Lakshmi tendered her registration which was received in accordance with Govt. in G.A. Department Circular No.11763, dated 2nd July, 1986. After several correspondences she deposited required dues. Her resignation was accepted vide order No. 7973, dated 14th May, 2007 (Annexure-4).

6. It is stated in the counter as a matter of fact that after acceptance of her resignation, the Petitioner submitted that her pension papers before the Head of Office in the year 2008, which was disallowed in view of Rule 18(2) and 34(1) of Odisha Service Pension Rules, 1993, and communicated vide letter No. 9763, dated 4th August, 2011 (Annexure-5).

7. It is brought to the notice of this Court by way of counter that, her resignation was accepted on 14th May, 2007 and having submitted pension paper on 13th February, 2008

after acceptance of resignation, the same was disallowed on 4th August, 2011. It is only after refusal her claim for pension, Dr. Lakshmi has raised objection against acceptance of resignation.

8. Therefore, Mr. P.K. Mohanty, Additional Standing Counsel submitted that the Petitioner does not deserve consideration as the claim for a pensionary benefit has been rejected rightfully by the authority concerned.

9. In view of the aforesaid submission and stand taken in the counter, the writ petition, sans merit, is dismissed.

Laxmikant



(M.S. Raman)
Judge