

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3105 of 2017

Saraswati Sethi

....

Petitioner

-versus-

D.G. And I.G. of Police & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.10.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. G.R. Sethi, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned standing counsel appearing for the State-Opp. Parties.
3. The Petitioner is aggrieved by the Order passed under Annexure-6, 8 & 9, wherein his prayer to treat the period of absence from 01.07.2016 to 28.09.2016 as extraordinary leave on medical ground was refused by the Opp. Parties.
4. It is submitted that since the Petitioner remained on medical leave for the aforesaid period, the Petitioner in terms of the circular issued by the State Headquarter on 22.07.2015 under Annexure-10 was never referred to the Medical Board nor any proceeding was initiated for such absence of the Petitioner. It is also submitted that the Petitioner in support of his illness though produced the relevant documents, but that was disbelieved by the Authority and the period in question was treated as No Pay.

5. Even though a counter has been filed by the Opp. Parties, but the circular relied on by the Petitioner has not been discussed by the answering Opp. Parties. Since this Court finds from the materials available on record that the Petitioner was on the treatment for the said period on medical ground, the Petitioner's case should have been considered in terms of the circular issued under Annexure-10. Since that has not been done by the Opp. Parties while passing the impugned order, this Court is inclined to quash the orders under Annexure-6, 8 & 9. While quashing the same, this Court remands the matter to the O.P. No. 3 to reconsider the matter in the light of the said circular issued on 22.07.2015 under Annexure-10. The said Authority shall also take into consideration the medical certificate of the Petitioner in support of her illness for the period in question.

6. A fresh decision shall be taken by the said Opp. Party within a period of two (2) months from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

Sneha