

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30317 of 2022

***Subash Choudhury @
Choudhuri***

.....

Petitioner

Mr. P. C. Jena, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. Jena, SC, S&ME Deptt

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

02.12.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. P. C. Jena, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School & Mass Education Department.

3. The petitioner has filed this writ petition seeking for regularization of his service for the period from 13.11.1980 to 31.03.1997 and for a direction to the authorities to pay pensionary benefits both arrear and current taking into consideration his entire period of service from 08.12.1973 to 31.03.2010.

4. Learned counsel for the petitioner contended that the petitioner was suffering from malaria, for which he could not be able to discharge his duty for the period from 13.11.1980 to 31.03.1997 and if that period will be regularized, the petitioner will get pensionary benefits for the period from 08.12.1973 to 31.03.2010.

5. Mr. S. Jena, learned Standing Counsel for School & Mass Education Department contended that the writ petition suffers from delay and laches in view of the fact that the petitioner after attaining the age of superannuation on 31.03.2010, the present writ petition has been filed

after 12 years of retirement, claims regularization of service for the period from 13.11.1980 to 31.03.1997, which cannot sustain.

6. Having heard learned counsel for the parties after going through the records, it appears that the petitioner joined as Assistant Teacher in U.P. School, Kumutalipeta on 08.12.1973 under Rayagada Block. While he was continuing as Mirabadi U.P. School, he was transferred on 02.09.1980 and relieved from duties on 12.11.1980 for enabling him to join in the place of posting. But on the plea of suffering from Malaria he took leave from 13.11.1980 to 31.03.1987 and did not discharge his duty. But thereafter he retired from service on 31.12.2010 and he has also received the pensionary benefits. Now after a long lapse of 12 years of retirement, the present writ petition has been filed seeking for regularization of service from 13.11.1980 to 31.03.1987. Thereby, the writ petition suffers from delay and laches and, as such, the same stands dismissed.

Arun

(DR. B.R. SARANGI, J.)

