

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC (OAC) No. 642 of 2011**

**Sarat Kumar Bag**

...

**Petitioner**

Mr. K.K. Swain, Advocate

- Versus -

**State of Odisha & Others**

...

**Opposite Parties**

Mr. H.K. Panigrahi,  
Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**15.02.2022**

**Order No.**

**1.**

1. This matter is taken up through hybrid mode.
2. Heard Mr. K.K. Swain, learned counsel for the petitioner and Mr. H.K. Panigrahi, learned Addl. Standing Counsel for the State.
3. The petitioner has approached this Court with the following prayer:

*“(a) necessary direction be made to the respondents more particularly to the respondent no.3 (Principal, G.M. Junior College, Sambalpur) to release the sanctioned amount of Rs.4,95,306/- towards differential amount in favour of the applicant forthwith preferably within a time to be stipulated by this Hon’ble Tribunal and his L.P.C. may be sent to his new assignment together with his Service Book within a time to be stipulated by this Hon’ble Tribunal.*

*And*

*(b) any other order/orders or direction/directions be issued so as to give complete relief to the applicant.”*

It is his case that he was placed under suspension for the period from 11.12.2002 to 25.08.2003 pending drawal of disciplinary proceeding against him. The disciplinary proceeding was concluded by awarding minor punishment of censure and treating the period as

leave due and admissible. On an appeal filed by the petitioner, the appellate authority set aside the order of disciplinary authority exonerating him from the charges with direction to treat the period of his suspension as on duty.

4. It is submitted by Mr. K.K. Swain, learned counsel for the petitioner that during period of suspension, the petitioner was paid subsistence allowance equal to 50% of his salary. Since the period of suspension has now been directed to be treated as on duty, he is entitled to be paid the balance 50% of his salary.

5. A Counter affidavit has been filed by the opposite party no.3 indicating that the petitioner is entitled to arrear amount of Rs.2,41,572/-. A chart showing the calculation of the said amount has also been appended to the counter affidavit, which is disputed by the petitioner.

6. After hearing both sides, this Court is of the view that the dispute pertains to calculation of the arrear amount, which is basically factual in nature. Therefore, without entering into the controversy, the writ petition is disposed of by granting liberty to the petitioner to file a fresh representation addressed to opposite party no.3 within a period of two weeks from today, which shall be considered and disposed of in accordance with law within a period of four weeks thereafter after giving an opportunity of hearing to the petitioner. If the petitioner is found to be entitled to any amount, the same shall be paid to him as expeditiously as possible, preferably within two weeks from the date of such determination.

7. The writ petition is accordingly disposed of.

8. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**