

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3456 of 2011

Bhubanaanda Sahoo

.....

Petitioner

Mr. S.S. Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. M. Balabantaray, Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

15.02.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S.S. Mohapatra, learned counsel for the petitioner and Mr. Balabantaray, learned Standing Counsel for the State.

3. The petitioner has filed this writ petition challenges the termination of service of the petitioner as illegal and cryptic one and further seeks direction to the opposite parties to release the legally entitlement of arrear wages.

4. Mr. S.S. Mohapatra, learned counsel for the petitioner contended that the petitioner was rendering the service as NMR employee, but he has been terminated from service with effect from 1995 without any terminal benefits as due and admissible to him in accordance with law.

5. Mr. M Balabantaray, learned Standing Counsel for the state contended that the petitioner while working as NMR employee remained absent from duty. For willful absence, he has been given one month notice for retrenchment and though the due provision of Industrial Act, 1947 was followed, the petitioner did not turn up. On the other hand the petitioner participated in the process of election and elected as Sarpanch. Thereby the petitioner was terminated from service. As such when his legitimate dues were offered, he did not accept the same and as a consequence thereof, the said amount has been deposited in government treasury.

6. Considering such contentions raised by learned counsel for the

parties and after going through the record, since the petitioner was working on NMR basis and retrenched from service from 1995 by offering him the compensation amount as due admissible to him under the I.D. Act, which the petitioner did not accept and as such the same has been deposited in government treasury, it is open to the petitioner to receive such benefit as due and admissible to him as the termination has been done in accordance with law. More so the petitioner had not only continuing as an NMR employees, but also without prior permission he participated in the process of election and got elected as Sarpanch. Thereby the claim of the petitioner to continue in service does not arise. Consequence thereof, the termination is well justified. Needless to say that whatever compensation amount the petitioner is entitled to get having been deposited in the Government Treasury, the petitioner is permitted to receive the same on proper identification.

7. With the above observation and direction the writ petition stands disposed of.
8. Issue urgent certified copy as per rules.

Arun

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

