

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31247 of 2022

Subasa Chandra Sahoo

....

Petitioner

Mr. A.K. Acharya, Advocate

-versus-

***Collector & District Magistrate,
Nabarangpur and another***

....

Opp. Parties

Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.11.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties.
 3. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Party No.1 and 2 to sanction and disburse unutilized leave salary of the Petitioner keeping in view the decision of the Hon'ble Supreme Court in the case ***State of Jharkhand and Others -Vs.- Jitendra Kumar Srivastava, reported in (2013) 12 SCC 210*** within a stipulated period of time.
 4. It is submitted by the learned counsel for the Petitioner that the case of the Petitioner has already been recommended by the Opposite Party No.2-Block Development Officer, Umerkote Block to the

Additional District Magistrate, Nabarangpur vide his letter dated 08.05.2020 under Annexure-3 to the writ petition. On perusal of the Annexure-3, it appears that the Opposite Party No.2-Block Development Officer, Umerkote Block has already recommended the case of the Petitioner to the Additional District Magistrate, Nabarangpur along with necessary pension papers and Service Book for finalization of Petitioner's retiral dues as well as unutilized leave salary. He further submits that despite such recommendation, no action has been taken by the Opposite Party No.1 who is the sanctioning authority.

5. Learned counsel for the State, on the other hand, submits that since the matter is pending before the competent authority, i.e., Opposite Party No.1-Collector & District Magistrate, Nabarangpur, he has no objection if a direction will be given to the Opposite Party No.1 to consider the case of the Petitioner in accordance with law within a stipulated period of time.

6. Having heard the learned counsel for the respective parties and keeping in view the limited nature of grievance, this Court disposes of the writ petition, at the stage of admission, by directing the Opposite Party No.1 to consider the case of the Petitioner in the light of the law laid down by the Hon'ble Supreme Court in the case of

Jitendra Kumar Srivastava (supra) and in the event it is found that the Petitioner is entitled to the relief sought for, the same shall be released in favour of the Petitioner forthwith, if there is no other legal impediment. The Opposite Parties are directed to act upon the same on production of certified copy of this order. Further, it is directed that the entire exercise shall be completed within period of three months on production of certified copy of this order.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

