

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.988 of 2019

Rajendra Kumar Palai **Petitioner**

-versus-

State of Odisha & Others **Opposite Parties**

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
17.11.2022

Order No

09. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Dayanidhi Mohanty, learned counsel for the Petitioner and Mr. N.N. Satapathy, learned Standing Counsel appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

“Hon’ble Tribunal be pleased to allow this Petition, call for the report from the Authority and on hearing the counsels for the Parties.

- a. Direct the Respondents to release the unpaid duty pay arrear salary from July 2017 to March 2018 within a specific period.*
- b. Direct Respondent No. 4 to release all the held up salary from July, 17 to March, 2018 since he has been discharging his duties at his present place of posting as per letter dtd.07.03.2018 under Annexure-4.*
- c. To dispose of the O.A. at the stage of admission.*
- d. And pass such other order/orders direction/direction(s) as this Hon’ble Tribunal may deem fit and proper for the ends of justice.”*

4. It is submitted that even though the Petitioner discharged his duty during the period from July 2017 to March 2018, when his salary and other entitlement was not released in his favour the present writ Petition was filed.

5. It is contended that the Petitioner during the aforesaid period has discharged his duty and the said fact is reflected in the RTI information provided vide Annexure-7 series. Even though a counter has been filed by the Opp. Party No. 5 taking a stand that since the Petitioner has never work during the aforesaid period till 07.03.2018 the Petitioner is not entitled to get the salary.

6. Taking into account the documents available under Annexure-7 series, this Court vide order dtd.12.10.2022 though had directed the learned Standing Counsel to obtain instruction, but it is submitted that no instruction is forthcoming.

7. Having heard learned counsel for the Parties and taking into account the documents annexed vide Annexure-7 series, this Court is of the view that the Petitioner has discharged his duty during the relevant period and there is no justifiable reason in not releasing the salary for the said period.

8. Therefore, this Court while disposing the writ Petition, directs the Opp. Party No. 4 to take effective steps for release of the salary of the Petitioner for the period from July 2017 to March 2018 within a period of two (2) months from the date of receipt of this order. The Petitioner is directed to produce a copy of this order before O.P. No. 4 for compliance within a period of 7(seven) days from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

Sneha