

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.839 of 2019

Golak Bihari Das

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

Order
No.

ORDER
14.10.2022

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. Sidheswar Malik, learned counsel appearing for the Petitioner and Mr. Y.S.P. Babu, learned Additional Government Advocate appearing for the State-Opposite Parties.
 3. This writ petition has been filed by the Petitioner with a prayer to quash the notice dated 20th January, 2018 issued by the Opposite Party No.3-Tahasildar, Jhumpura under Annexure-1.
 4. It is submitted by Mr. Sidheswar Malik, learned counsel appearing for the Petitioner that the notice dated 20th January, 2018 with the show cause was issued by the Opposite Party No.3-Tahasildar, Jhumpura under Annexure-1 to the Petitioner with a direction to handover the

detailed charges such as lock and key, fans etc. It is also submitted that the though the Petitioner has submitted a detailed reply under Annexure-2 and subsequently a notice was issued to the Opposite Party No.3 on 27th October, 2018 under Annexure-3, but no further action was taken on the same and on the ground of non-submitting the lock and key, fans etc, the leave salary and arrear dues on account of pay fixation under ORSP Rules, 2017 of the Petitioner was kept withheld. Accordingly, it is submitted that without any reason and basis the leave salary and arrear dues on account of pay fixation under ORSP Rules, 2017 of the Petitioner was kept withheld. As such, necessary direction be issued to the Opposite Party No.3 to release the same.

5. Mr. Y.S.P. Babu, learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submits that since the Petitioner never returned the lock and key of the office building and lost a ceiling fan, his leave salary and arrear dues on account of pay fixation under ORSP Rules, 2017 has been rightly withheld.

6. A rejoinder affidavit has been filed by the Petitioner wherein it has been clearly indicated that he has handed over the lock and key of the office and the fan in question is very much in operation in the said office.

7. After hearing the submissions made by the learned counsel for the parties and going through the materials available on record, this Court finds that the action of the Opposite Party No.3 to withheld the leave salary and arrear dues on account of pay fixation under ORSP Rules, 2017 of

the Petitioner on the ground indicated in Annexure-1 is not just and proper.

8. Therefore, this Court, while deprecating such action of the Opposite Party No.3-Tahasildar, Jhumpura, directs the said Opposite Party to take appropriate steps to release the leave salary and arrear dues on account of pay fixation under ORSP Rules, 2017 of the Petitioner within a period of two months from the date of receipt of copy of this order.

9. The Petitioner is directed to produce a copy of this order before the Opposite Party No.3-Tahasildar, Jhumpura within seven days hence.

10. With the aforesaid observation and direction the writ petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Debasis