

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.124 of 2019

Saraswati Mahuri

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

10.10.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S. Mahunta, 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 challenging the order passed under Annexure-9 & 10, wherein the B.E.O, Basta-O.P. No. 4 instead of regularizing the service of the Petitioner for the period from 16.07.2015 to 12.12.2016 has treated the same as unauthorized leave.
4. Learned counsel for the Petitioner submitted that vide order dtd.16.07.2015 under Annexure-2, when the Petitioner was directed to take class in Kamargadia UGUP School until further order, the Petitioner challenging the same approached the learned Tribunal in O.A. No.1848 of 2015. Learned Tribunal vide its order under Annexure-4 while issuing notice of the matter, passed an interim order that no coercive action shall be taken against the Petitioner.

5. It is further submitted that the said Original Application in O.A. No. 1848 of 2015 when was ultimately dismissed vide order dtd.17.11.2016, the Petitioner challenging the same approached this Court in W.P.(C) No.21140 of 2016. As reflected in the order dtd.07.12.2016 under Annexure-7, the Petitioner pursuant to the order at Annexure-2 was allowed to take class at Kamargadia UGUP School as per the interim order passed by the learned Tribunal.

6. A counter affidavit has been filed by the O.P. No. 4 indicating therein that since the Petitioner did not hand over the charge after being relieved from U.N. Nodal U.P. School, Madhupura, the Petitioner is not entitled to get the salary for the period from 16.07.2015 to 12.12.2016.

7. Heard learned counsel for the Parties. This Court after going through the materials available on record finds that pursuant to the interim order passed by the learned Tribunal on 21.07.2015, the Petitioner was allowed to continue in Kamargadia UGUP School and the said fact is also admitted by the learned Standing Counsel before this Court in W.P.(C) No. 21140 of 2016.

9. In that view of the matter this Court has got no hesitation in quashing the order at Annexure-9 & 10. While quashing the same, this Court directs the O.P. No. 4 to regularize the said period of service of the Petitioner and pay the salary as due and admissible, if the Petitioner has discharged his duty for the said period as submitted by the learned Standing Counsel before this Court in the above noted writ Petition. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this order.

10. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha

