

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 82 of 2019

T. Rajesh Kumar

.....

Petitioner

Mr. N. Rath, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.S. Kanungo, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

26.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. N. Rath, learned counsel for the petitioner and Mr. S.S. Kanungo, learned Additional Government Advocate for the State.
3. The petitioner has filed this writ petition seeking to quash the decision of the authorities as at Annexure-5 and to direct the opposite parties to regularize the period of leave from 07.06.2014 to 13.07.2014 i.e. for a period of 36 days as leave on medical ground and to give all consequential service and financial benefits within a stipulated time.
4. Mr. N. Rath, learned counsel for the petitioner contended that since the petitioner has overstayed due to his illness with due intimation to the authority, therefore, the period from 07.06.2014 to 13.07.2014, i.e. 36 days ought to have been regularized as leave on medical ground. But the said period has not been regularized. It is further contended that the opposite parties ought to have taken into consideration this fact and ought to have regularized the said period. Non consideration of the same is arbitrary, unreasonable and contrary to the provisions of law and, therefore, the petitioner has approached

this Court in the present writ petition.

5. Mr. S.S. Kanungo, learned Additional Government Advocate contended that the documents submitted by the petitioner for regularization of his over stay of leave was properly scrutinized. The date of signature indicated in Medical Certificate has been tampered which is clearly visible from the record placed as Annexure-VII. After due scrutiny, the 36 days overstay of the petitioner has been decided as “No Pay”. The representation of the petitioner dated 14.07.2015 has not been received in the office of the opposite parties and, thereby, the claim of the petitioner cannot sustain. Therefore, he seeks for dismissal of the writ petition.

6. Having heard learned counsel for the parties, as it appears the petitioner seeks for regularization of service during the overstayed period of 36 days from 07.06.2014 to 13.07.2014 as leave on medical ground, so that he can get the benefit. But fact remains, as per PMR 851, the petitioner could have preferred appeal against the order of opposite party no.1 before the D.G. & I.G. of Police, Odisha and thereafter could have availed the recourse to prefer appeal before the State Government against the order of D.G.& I.G. of Police, Odisha. Instead of exhausting alternative remedy, the petitioner has approached this Court. Thus, this Court is not inclined to entertain the prayer made in this writ petition. However, liberty is granted to the petitioner to pursue his remedy as envisaged in PMR 851 by preferring appeal before the appropriate authority.

7. With that liberty, the writ petition stands disposed of.