

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.2323 of 2023**

***Nilamadhaba Panigrahi***

***.... Petitioner***  
***Mr.K.C.Sahu, Advocate***

***-versus-***

***State of Odisha and others***

***.... Opposite Parties***  
***Mr.T.K.Patnaik, A.S.C.***

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**31.01.2023**

**Order No.**

01.

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

2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel. Perused the records.

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

“In view of the facts and submissions mentioned above the Petitioner prays for the following relief(s):

i) The Hon’ble Court be pleased to admit & allow the writ petition.

ii) The Hon’ble Court be pleased to allow this writ petition by further directing the Opp. parties to sanction and disburse the unutilized leave salary in respect of the Petitioner as due & admissible keeping in view of the similar order at Annexure-2 & 3 so also the decision of their lordships of Hon’ble Apex Court in the case of State of Jharkhand-vs.-J.K.Srivastav within a time bound period for the interest of justice.

iii) The Hon’ble Court may be pleased to pass any order (s) /direction(s) as deems fit and proper for the interest of justice.

4. It is submitted by the learned counsel for the Petitioner that the

present writ application has been filed with a limited prayer i.e. for a direction to the authorities to grant unutilised leave salary in favour of the Petitioner. It is further submitted by the learned counsel for the Petitioner that the case of the Petitioner is covered by the judgment of the Hon'ble Supreme Court in the case of **State of Jharkhand-vrs.- J.K.Srivastav and another reprovod in (2013) 12 SCC 210**. He further submits that an identical matter was before the Orissa Administrative Tribunal in O.A.No.2037 of 2015 filed by one Nirmal Chandra Satpathy. The said order was assailed by the State by filing W.P.(C) No.3442 of 2016. A Division Bench of this Court has dismissed the writ application and affirmed the order passed by the Tribunal. In such view of the matter, learned counsel for the Petitioner submits that the case of the Petitioner be considered in the light of the aforesaid judgment.

5. On the other hand, learned Additional Standing Counsel submits that he does not have any objection if the case of the Petitioner is considered in the light of the aforesaid judgment. However, he submits that in the meantime the Finance Department has issued a circular dated 26.03.2015 and further submits that the case of the Petitioner be considered in the light of the circular of the Finance Department.

6. In such view of the matter, the writ application is disposed of at the stage of admission without expressing any opinion on the merits of the matter by directing the Opposite Party No.1 to consider the grievance of the Petitioner in the light of the aforesaid direction within a period of six weeks from the date of production of certified copy of this order and pass a reasoned and speaking order. The decision so taken shall be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation the writ application stands

disposed of.

8. Issue urgent certified copy of this order as per Rules.

**( A.K. Mohapatra )**  
**Judge**

*Debasis*

