
(2022) 07 OHC CK 0016
In the Orissa High Court
Case No : Writ Petition (C) No. 26340 Of 2021

Namaswini Mohapatra

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 05-07-2022

Acts Referred:

Citation : (2022) 07 OHC CK 0016

Hon'ble Judges : A.K. Mohapatra, J

Bench : Single Bench

Advocate : B.S. Tripathy 1, R.N. Mishra

Judgement

A.K. Mohapatra, J

I.A. No.12191 of 2021

1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. The I.A. No.12191 of 2021 has been filed by the Petitioner with a prayer for a direction to the Opposite Parties to pay the salary of the Petitioner from January, 2022 onwards.
4. It is submitted by Mr. B.S.Tripathy, learned counsel for the Petitioner that Petitioner was disengaged from service by order dated 27.08.2021 under Annexure-11. However, against the said order Petitioner approached this Hon'ble Court on 1.9.2021 and this Court considering the facts and circumstances of the case as an interim measure directed the Opposite Parties to maintain status quo as on that date with regard to the service of the Petitioner and in pursuance to such interim order, he has been taken back into service. It is further submitted that Petitioner has received salary upto December, 2021 and no salary has been released in favour of the Petitioner from January, 2022 onwards,.

5. Considering the submissions made and keeping in view the facts and circumstances of the case, this Court is of the prima facie view that since Petitioner is taken back in service by the interim order of this Court, therefore, the Authority should have released the salary of the Petitioner as due and admission in law. However, learned counsel for the State seeks some time to obtain instruction in the matter.

6. List this matter on 11.07.2022.

7. Interim order dated 01.09.2021 passed in I.A. No.12191 of 2021 shall continue till the next date of listing.

8. Issue urgent certified copy as per rules.

9. A free copy of this order be supplied to learned Additional Government Advocate for compliance.

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