

**(2026) 01 OHC CK 1778**  
**In the Orissa High Court**  
**Case No : Writ Petition (C) No. 35033 Of 2025**

Puspanjali Sahoo

APPELLANT

Vs

State Of Odisha

RESPONDENT

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**Date of Decision :** 13-01-2026

**Acts Referred:**

Constitution Of India, 1950 — Article 21, 23, 226, 227, 300A

**Citation :** (2026) 01 OHC CK 1778

**Hon'ble Judges :** A.C. Behera, J

**Bench :** Single Bench

**Advocate :** D.N. Rath, S.R. Pattanaik

**Final Decision :** Disposed Of

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## Judgement

A.C. Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for directing the Opposite Parties including the Child Development Project Officer, Rasulpur Block(Opposite Party No.4) in the district of Jajpur for disbursement of the arrear salaries of the petitioner with effect from 24.07.2025, as her salary since 24.07.2025 has not been disbursed/paid by the Opposite Parties as yet.

2. The factual backgrounds of this writ petition, which prompted the petitioner for filing of the same is that, in pursuance to the directions given in the judgment dated 26.06.2025 passed in the writ appeal vide W.A. No.852 of 2025, the petitioner was appointed on dated 24.07.2025 as an Anganwadi Worker of Anganwadi Centre No.6 of Prathmakhandi Grama Panchayat under Rasulpur Block in the district of Jajpur and accordingly, she(petitioner) has been discharging her works properly as an Anganwadi Worker of Anganwadi Centre No.6 of Prathmakhandi Grama Panchayat since 24.07.2025 continuously and regularly without any default, but till yet, her monthly salaries since 24.07.2025 till yet, have not been paid by the Opposite Parties. As such, the petitioner had/

has been discharging all works of Anganwadi Centre No.6 of Prathmakhandi Grama Panchayat properly since 24.07.2025 without payment.

When, in spite of several representations of the petitioner, as per Annexure-7 series for payment of her arrear salary since 24.07.2025, the Opposite Parties did not respond to the same, then, without getting any way, the petitioner approached this Court by filing this writ petition praying for directing the Opposite Parties including her drawing and disbursing officer, i.e., Opposite Party No.4 for releasing her all arrear salaries in her favour.

3. Heard from the learned counsel for the petitioner and learned Additional Government Advocate for the State.

4. During the course of hearing, the learned Additional Government Advocate for the State submitted on the basis of Letter No.993 dated 18.12.2025 issued by the Child Development Project Officer, Rasulpur Block(Opposite Party No.4) that, in the meantime, the detailed particulars in respect of the service of the petitioner as an Anganwadi Worker of Anganwadi Centre No.6 of Prathmakhandi Grama Panchayat has already been uploaded in e-Manadeya Portal since 18.12.2025, for which, there will be no difficulty in sanctioning the salary of the petitioner.

5. On the contrary, the learned counsel for the petitioner submitted that, in spite of the aforesaid Letter No.993 dated 18.12.2025, the arrears salaries of the petitioner has not been disbursed by the Opposite Parties as yet.

6. It is very fundamental in law that, the employer State should treat and behave its all employees under it including the petitioner as a model employer. All fairness is to be expected from the State and its authorities including its officers, i.e., from the Opposite Parties. Because, the State(Opposite Party No.1) is the parent of all citizens including the petitioner. So, as per law, it is the duty and obligation of the State(Opposite Party No.1) to protect the rights of its citizens including the petitioner guaranteed by the Constitution of India, 1950 from its infringement in any manner. For which, it is not expected from the State and its authorities including its officers, i.e., from the Opposite Parties to withhold the arrear salaries of an employee like the petitioner after availing its services.

7. On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:-

(i) In a case between Union of India and others vrs. Central Administrative Tribunal and three others Bench at Allahabad and another : reported in 2019 AHC-219045(Allahabad) (D.B.) at Para No.21 that,

“We cannot forget that, an employee has no right to work, but, only a right to get salary and it is always open to the employer to take work from the employee or not, but, he has to pay salary so long as employment of the employee is not terminated in accordance with law or in accordance with terms of his/her contract.”

(ii) In a case between Sunil Dattatrey vrs. State of Rajasthan through its Secretary and others : reported in 2025 SCC Online(Rajasthan)-361(Para-16) that, No employer can be permitted to deprive the employees of their rightful salaries, that too, month after month. State authorities cannot be permitted to violate the fundamental rights and human rights of its employees.

Depriving any employee of his/her salary by an employer would be a violation of his/her rights guaranteed under Articles-21, 23 and 300-A of the Constitution of India, 1950.

(iii) In a case between Charan Lal Sahu Etc. Etc. vrs. Union of India and others : reported in (1990) 1 SCC-613 that, the State to secure to all its citizens the rights guaranteed by the Constitution of India, 1950.

8. Here, in this matter at hand, when, the State and its authorities including its officers, i.e., the Opposite Parties being the model employers having their duties and obligations to secure to all its citizens including the petitioner to their rights guaranteed by the Constitution of India, 1950 and when, instead of protecting the rights of the petitioner by paying her entitled dues/salaries, they(Opposite Parties) have deprived/infringed the Constitutional rights of the petitioner, who is a very low paid worker/employee from the payment of her monthly salaries since 24.07.2025 in spite of availing her services/works and when the aforesaid conduct/attitude of the Opposite Parties, i.e., non-payment of the monthly salaries of the petitioner since 24.07.2025 has deprived the petitioner from her livelihood violating her Constitutional rights guaranteed under Articles-21, 23 and 300-A of the Constitution of India, 1950, then at this juncture, by applying the propositions of law enunciated in the ratio of the above decisions, I find no justification to disallow this writ petition filed by the petitioner.

9. Therefore, this writ petition filed by the petitioner is to be allowed and necessary directions are to be given to the Opposite Parties including the Child Development Project Officer, Rasulpur Block(Opposite Party No.4) through issuance of a writ of mandamus to pay/clear all the arrear salaries of the petitioner from 24.07.2025 within the stipulated period.

10. Hence, this writ petition filed by the petitioner is allowed on contest.

All the Opposite Parties including the Child Development Project Officer, Rasulpur Block(Opposite Party No.4) are directed through issuance of a writ of mandamus to clear/pay all the arrear salaries of the petitioner since 24.07.2025 within a period of fifteen days from the date of this judgment, failing which, all the Opposite Parties shall be jointly and severally liable for payment of interest at the rate of 9% per annum on the total unpaid arrear salary of the petitioner till its full and final payment.

11. As such, this writ petition filed by the petitioner is disposed of finally.

Free copies of this judgment be supplied to the learned counsels of both the sides.

12. Registry is directed to communicate the copy of this judgment to all the Opposite Parties immediately for the compliances of the directions made in this judgment within the period as indicated above.