



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 9307 of 2026

Bipin Bihari Das

.....

Petitioner

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. S. Das, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.03.2026

Order No. 01

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Mishra, learned counsel appearing for the Petitioner and Mr. S. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed inter alia with the following prayer:-

“It is prayed, therefore that this Hon'ble Court may graciously be pleased to;

i) Admit and allow the writ petition.

ii) This Hon'ble Court may graciously be pleased to direct the O.P.No.1 to sanction and disburse un-utilized leave salary in favour of the petitioner in terms of Annexure-2 & 3 proposal of O.P. No.2 and settle position of law decided in identical case under Annexure-5 within a stipulated period of time.

iii) And further be pleased to pass such other order (s), direction (s) as deem fit and proper to the facts and circumstances of the case to give complete relief to the petitioner;



And for this act of kindness, the petitioner as in duty bound shall ever pray.”

4. It is contended that in view of the judgment passed by this Court on 13.03.2026 in W.P.(C) No. 31060 of 2025 & batch, Petitioner is eligible and entitled to get the benefit of unutilized leave salary, proposal of which has already been submitted before the Govt.-Opp. Party No.1. But on the mere ground that a vigilance proceeding and departmental proceeding are pending against him, the authorities are not releasing the same. It is accordingly contended that in view of the judgment passed by this Court in W.P.(C) No. 31060 of 2025 & batch, Petitioner is eligible to get the benefit of unutilized leave salary and appropriate direction be issued to Opp. Party No. 1 to release the same.

5. Learned Addl. Standing Counsel on the other hand contended that since a vigilance and departmental proceeding is pending, Petitioner is not eligible and entitled to get the same.

6. Having heard learned counsel appearing for the Parties, considering the submission made and placing reliance on the judgment passed by this Court on 13.03.2026 in W.P.(C) No. 31060 of 2025 & batch, this Court is of the view that Petitioner is eligible to get the benefit. While holding so, this Court directs Opp. Party No. 1 to release the unutilized leave salary of the Petitioner as due and admissible within a period of six (6) weeks from the date of receipt of this order.

7. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha