



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18762 of 2023

Satyabrata Behera

..... Petitioner

Mr. Gyanaranjan Sethi, Advocate

-versus-

State of Odisha and others

..... Opposite Parties

Mr. Shantanu Das, ASC

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

05.

ORDER

14.11.2024

This matter is taken up through Hybrid Mode.

2. Learned counsel appearing for the petitioner referred to order dated 06.11.2024 of this Court, wherein adjournment was granted on the request of the learned Additional Government Advocate for seeking instructions. He further submitted that though the grievance petition dated 12.09.2024 of the petitioner has been forwarded to the Director of Public Prosecutions, Odisha, Bhubaneswar *vide* Letter No.364 dated 13.09.2024 by the Public Prosecutor recommending release of current salary/remuneration/ arrears of the petitioner, as on date the same has not been taken care of by the Director of Public Prosecution, Odisha, Bhubaneswar.

2.1. Learned counsel appearing for the petitioner referred to the decision of the Hon'ble Supreme Court in the case of *Man Singh Vs. The State of Uttar Pradesh through Secretary &Ors., 2022 LiveLaw (SC) 341*, wherein the following observation has been made:



*“***We find that the High Court has failed to consider the fact that even if the appointment was irregular, the appellant had discharged the duties and in lieu of duties, he had to be paid. **The State cannot take any work from any employee without payment of any salary.**”*

3. At this stage, learned Additional Standing Counsel seeks a week's accommodation to obtain instruction. On his request, list this matter on 25.11.2024.

(M.S. Raman)
Judge

Laxmikant