



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1308 of 2025

State of Odisha & Others* *Appellants

Mrs. S.Pattanayak, AGA

-versus-

Dr. Rabi Narayan Dhar* *Respondent

Mr. S.K. Das, Advocate

Mr. N. Jena, Advocate
(for Caveator)

CORAM:

JUSTICE KRISHNA S. DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

06.05.2026

Order No.

04. The State and its functionaries are invoking Intra-Court appellate jurisdiction of this Court for laying a challenge to a learned Single Judges' judgment dated 16.04.2025, whereby Respondent-Medical Doctor's W.P.(C) No.21060 of 2024 having been favoured, the following relief has been accorded to him:-

“35. Therefore, in view of the aforesaid analysis of law as well as keeping in view the factual matrix involved in the present writ application, this Court has no hesitation in coming to a conclusion that the Opposite Parties have committed an illegality by rejecting the application of the Petitioner seeking VRS from service. On such grounds, the writ application filed by the Petitioner is bound to succeed. Accordingly, the impugned order under Annexure-14 dated 08.02.2024 and under Annexure- 15 dated 09.02.2024 is hereby quashed. Further, the Opposite Party No.1 is directed to accept the VRS of the Petitioner with effect from the date of expiry of the three months' notice period calculated from the date of his initial application, which was admittedly submitted on 27.12.2023. In other words, the relationship of the employer and employee of



the Petitioner with the Govt. of Odisha shall come to an end on completion of three months" notice period with effect from the date 27.03.2024. Moreover, it is made clear that if the Petitioner is continuing in service and discharging his duties, he shall be paid his salary and other emoluments for the period for which he has rendered his services. However, for all practical purposes, the relationship of the employer and employee shall come to an end w.e.f. 27.03.2024. Accordingly, the Opposite Parties are directed to process the claim of the Petitioner for grant of retiral dues as well as pensionary benefits as is due and admissible to the Petitioner in the light of the aforesaid observation within a period of three months from the date of communication of a certified copy of this judgment."

2. After service of notice, the Respondent-employee having entered appearance through his counsel, resists the Appeal making submission in justification of the impugned judgment and the reasons on which it has been structured. He draws our attention to a Co-ordinate Bench decision in W.A. No.526 of 2025 between ***Dr. Snigdha Prava Mishra vs. State of Odisha & Others***, disposed off on 08.07.2025 wherein, the right of an employee to resign and the obligation of the employer to accept resignation have been elaborately discussed in terms of Rule 42 of Odisha Civil Services (Pension) Rules, 1992.

3. Having heard learned counsel for the Parties and having perused the Appeal papers, we grant a marginal interference in the matter to the effect the Respondent-employee's VRS application dated 27.12.2023 has to be accepted on merits at the hands of the Appellants herein with effect from three months following the application, as has been provided under the Rule itself. The Co-ordinate Bench, in the cognate case, has specifically observed that the request for resignation of an employee can be denied only on two grounds viz. that a Disciplinary proceeding is pending or



contemplated and a Criminal proceeding is pending or contemplated. It will make clear in the said decision that there is no other circumstance on the basis of which, the request for resignation or VRS can be denied. In view of declaration of law by the Co-ordinate Bench, the question argued before this Bench is no longer *res integra*.

4. The above being said, learned AGA, Mrs. Pattanayak is more than justified in telling the Court that for the period during which the Respondent-employee stayed away from service, that would be treated as dies non, and therefore, he shall not be entitled to avail any benefit, otherwise admissible to him. In other words, the Respondent shall not be entitled to any remunerative benefit during the period when he stayed away from the duty.

5. With the above observations, this Appeal is disposed off.

Web copy of this order to be acted upon by all concerned.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge