



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24658 of 2022

Sunayana Dhir

....

Petitioner

Mr. K.A. Guru, Advocate

-versus-

***State of Odisha and
Others***

....

Opposite Parties

Mr. P.K. Panda, ASC

Mr. A. Mohanta, Advocate for O.P. No.5

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No.

17.03.2026

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel for the parties.
- 3.** The present Writ Petition has been filed *inter alia* challenging order dated 26.08.2022, so passed by the Opp. Party No.3 under Annexure-10. Vide the said order, petitioner was dis-engaged from his services because of unauthorized leave for around 2 (two) months.
- 4.** Learned counsel for the petitioner contended that petitioner on his transfer to Keonjhargarh Municipality



joined on 31.05.2022. However, while so continuing, petitioner remained on medical leave w.e.f. 14.07.2022. Even though vide letter dated 01.08.2022 under Annexure-8 so issued by Opp. Party No.5, petitioner was directed to join on 03.08.2022 failing which, disciplinary action will be taken, but Opp. Party No.4 issued a show-cause on 02.08.2022, indicating therein as to why disciplinary action will not be initiated against the petitioner for such negligence in duty.

4.1. Even though no reply was filed by the petitioner to the show-cause, but without initiating any proceeding, petitioner was dis-engaged from her service vide the impugned order dated 26.08.2022 under Annexure-10. It is contended that since petitioner because of her suffering, remained on medical leave w.e.f. 14.07.2022, petitioner could not have been dis-engaged on the ground indicated in the impugned order dated 26.08.2022 under Annexure-10 and the said order requires interference of this Court.

5. Learned counsel appearing for the Municipality on the other hand contended that since petitioner after her joining in the Municipality on 31.05.2022, remained on unauthorized leave w.e.f. 14.07.2022, vide letter dated 01.08.2022, petitioner was directed to join on 03.08.2022 failing which, disciplinary action will be taken against her.



5.1. However, vide letter dated 02.08.2022, petitioner was issued with the show-cause by Opp. Party No.4 as to why disciplinary action will not be initiated for her remaining as unauthorized absence w.e.f. 14.07.2022. It is contended that petitioner never choose to file any reply to the show-cause and in absence of the same, Opp. Party No.3 passed the order of dis-engagement vide order dated 26.08.2022 under Annexure-10.

5.2. It is contended that since petitioner never filed her reply to the show-cause dtd.02.08.2022, no illegality or irregularity can be found with the impugned order.

6. Similar stand was also taken by the learned Addl. Standing Counsel and submission was made that since petitioner remained on unauthorized leave w.e.f. 21.07.2022, and she never joined on the face of the letter issued by the Municipality on 01.08.2022 and she never also filed the reply to the show-cause dtd.02.08.2022, she has been rightly dis-engaged, vide order dated 26.08.2022 under Annexure-10.

7. Having heard learned counsel for the parties and considering the submissions made, this Court finds that pursuant to the advertisement issued under Annexure-1 on 05.07.2011, petitioner after being duly selected was appointed and posted as a Community Organizer with his place of posting in Anandpur Municipality. Petitioner was also issued with the order



of appointment by the Executive Officer, Anandpur Municipality vide order dated 10.07.2011 under Annexure-3.

7.1. While so continuing, petitioner was transferred to Keonjharh Municipality where she joined on 31.05.2022 as found from Annexure-4. But on the ground that petitioner remained on unauthorized leave w.e.f. 14.07.2022, petitioner vide letter dated 01.08.2022 under Annexure-8 so issued by Opp. Party No.5, was directed to join in her office by 03.08.2022.

7.2. However, on the face of such letter issued by Opp. Party No.5, Opp. Party No.4 issued the show-cause on 02.08.2022 under Annexure-9, asking the petitioner to file her reply as to why disciplinary action will not be taken, for her remaining on un-authorized absence w.e.f. 14.07.2022.

7.3. Basing on such show-cause, Opp. Party No.3 passed the impugned order of dis-engagement on 26.08.2022 under Annexure-10. Considering the fact that petitioner was duly appointed by facing due recruitment process vide order dated 05.07.2011 under Annexure-2, and she has been dis-engaged because of her remaining unauthorized absence for a period involving a little more than one month basing on the show-cause issued by Opp. Party No.4, this Court is of



the view that such order of dis-engagement is required to be re-considered by the Opp. Party No.3.

7.4. This Court accordingly while disposing the Writ Petition, permits the petitioner to file her reply to the show-cause dated 02.08.2022 under Annexure-9, on or before 26.03.2026 before Opp. Party No.3. On her filing the reply, Opp. Party No.3 is directed to take a lawful decision with regard to withdrawal/recalling of order dated 26.08.2022, by allowing the petitioner to rejoin in her post under Opp. Party No.5.

7.5. Opp. Party No.3 however is directed to take into consideration the fact that petitioner has been dis-engaged only on the ground that she remained on unauthorized leave w.e.f. 14.07.2022 and the order of dis-engagement has been issued just after one month of her remaining on such leave.

8. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Mar-2026 19:41:25

