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Copy of L.No.11581 dated 28th Oct.1983 received from Shri R.N.Panda, M.A.,LL.B. Registrar of the High Court of Orissa; addressed to the District and Sessions Judge, Sundargarh.

Sub: Grant of leave to the Subordinate Judicial Officers of the State by their respective District Judges.

Sir,

With reference to your letter no.2575 dt.18.7.83 on the above subject, I am directed to say that the Article-235 of the Constitution of India lays down as follows :

"The control over district courts and courts subordinate thereto including the posting and promotion of and the grant of leave to persons belonging to the Judicial Service of a State and holding any post inferior to the post of District Judge shall be vested in the High Court".

The control as envisaged under Article 235 of the Constitution of India is absolute and it is the High Court which is competent to grant leave to the Subordinate Judicial officers of the State. The provisions laid down in the Court's G.R & C.O. are in consonance with the constitutional provisions and Government order in Finance Department G.O.No.26826/F dated 18.6.82 cannot override the provisions laid down in the GR and CO and much less the constitutional provisions embodied under Article 235 of the Constitution of India.

In the above premises, the court, after careful consideration of the matter are of the view that Finance Department order No.Cods-94/82/28826 dt.18.6.82 will have no application to grant of earned leave to the Subordinate Judicial officers. The action of your predecessor in granting earned leave to the Judicial officer was not proper. The application with regard to the grant of leave to the Subordinate Judicial officers shall be dealt with in accordance with the provisions contained in the G.R and C.O(civil)vol.I.

Yours faithfully,

Sd/ R.N.Panda
Registrar.

memo no.11582(11) dt. 28.10.83.

Copy forwarded to the District Judge, Ganjam-Boudh, ~~xxx~~ xx except the District Judge, Sundargarh for information and guidance.

Sd/
Special Officer, 28.10.83.

Memo no. 13059(40)
3/11/1983. 7 x 83

Office of the District Judge,
Ganjam Boudh, Berhampur.

Copy to 1) All Addl. Dist. Judges, Berhampur/Phulbani (2) All Subordinate Courts of this jurisdiction for information and guidance.

adhakar.

R.P.

REGISTRAR 7/11/83.
CIVIL COURTS: BERHAMPUR

Court of the District and Sessions Judge, Sundargarh.

10 NOV 1983

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