

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 25489 of 2014

Chitta Ranjan Dash

.....

Petitioner

Mr. G.R. Sethi, Advocate

Vs.

*Registrar, SAT, Bhubaneswar &
Ors.*

.....

Opposite Parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

30.03.2022

Order No.

4.

This matter is taken up through hybrid mode.

2. Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.

3. The petitioner has filed this writ petition challenging the order dated 12.11.2013 passed in O.A. No. 843 of 2010, by which the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar has come to a conclusion that the petitioner approached the court beyond the limitation period prescribed. The tribunal has further held that since the petitioner already abandoned the job in the year, 2006, question of regularization does not arise.

4. Though a specific finding has been given by the tribunal in paragraph-6 of the order impugned that petitioner was the victim of hostile discrimination for not counting his past services rendered in the DANIDA project, but similarly situated person namely Kishore Kumar Kanungo, who was also attached to the DANIDA project as Data Entry Operator from 04.11.1987 to 31.12.1993, was given the benefit of counting his past service rendered under the DANIDA project before joining the present service and also similar benefit was extended to one Bhabani Shankar Das, who was working in the DANIDA project as Data Entry Operator prior to his joining

Government service in the same capacity. But fact remains, since the petitioner has not discharged his duty and abandoned the job in the year 2006, question of regularization of his service at this stage does not arise. As such, he had abandoned the service since September, 2006 and approached the tribunal by filing original application in the year 2010 i.e. after four years. As per the provisions of Administrative Tribunals Act, the petitioner has to approach the tribunal within one year. Since the petitioner had approached the tribunal after four years, the tribunal has come to a conclusion that the application of the petitioner is barred by limitation and more so, the petitioner having not continuing in service, question of regularization at par with Kishore Kumar Kanungo and Bhabani Shankar Das, as mentioned in paragraph 6 of the impugned order, does not arise.

5. In the above view of the matter, this Court does not find any error apparent on the face of record to interfere with the order dated 12.11.2013 passed by the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 843 of 2010.

6. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE