

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 4925 of 2003

Sarat Biswal and others

.....

Petitioners

Mr. D. Biswal, Advocate

Vs.

Chairman, MCFL and others

.....

Opposite Parties

Mr. N.C. Sahu, Advocate, (O.P.1 and 4)

S. Mohanty, Advocate (O.P.2, 3)

Mr.P.K. Parhi, ASGI

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

25.08.2022

Order No.

17.

This matter is taken up through hybrid mode.

2. The petitioners have filed this application seeking for direction to the opposite parties to declare petitioners as regular employees of the Corporation.

3. Learned counsel for the petitioners states that since the petitioners have sought for regularization liberty may be granted to them to approach the appropriate forum namely appropriate government or industrial adjudicator ventilating their grievance for regularization in service in accordance with law. To substantiate his contention reliance has been placed on the judgment in *Municipal Corporation of Greater Mumbai V.K.V Sharmik Sang and others* JT 2002 (4) SC 115. It is further stated that till the matter is adjudicated and disposed of by the authority the interim order passed by this Court on 27.05.2003 be allowed to continue in view of the ratio decided by the apex Court in the aforementioned judgment.

4. Learned Counsel for the opposite parties strenuously urged that so far regularization of the petitioners is concerned this Court has no jurisdiction to entertain the same and as such the relief sought by the petitioners can only to adjudicated by the appropriate Government or by the Industrial Adjudicator in accordance with law.

5. Considering the contention raised by learned counsel for the parties

and after going through the records, without expressing any opinion on the merits of the case this writ application is disposed of permitting the petitioners to approach the appropriate Government or Industrial Adjudicator ventilating their grievance in consonance with the ratio decided in Municipal Corporation of Greater Mumbai mentioned (supra). If the petitioners approach the said forum within a period of four weeks from today the appropriate Government Industrial Adjudicator shall consider the same and pass order in accordance with law within a period of six months thereafter by affording opportunity of hearing to all the parties. The interim order passed by this Court on 27.05.2003 shall continue for a period of six month.

6. It is open to the opposite parties to raise such objection as raised before the Court before the appropriate Government Industrial Adjudicator in accordance with law.

7. With the above observation and direction the writ application stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Arun