

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.403 of 2022

Suchitranjali Roy

....

Petitioner

-versus-

State of Odisha and others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.10.2022

Order No

4. 1. This matter is taken up through hybrid mode.
2. Heard Mr. B.S. Tripathy, learned counsel appearing for the Petitioner, Mr. Y.S.P. Babu, learned Additional Government Advocate appearing for the State-Opposite Party and Mr. P.K. Mohanty, learned Senior Counsel appearing for the Opposite Party No.3.
3. This writ petition has been filed by the Petitioner challenging the order dated 06.11.2021 passed by the Opposite Party No.2-Director, Municipal Administration & Ex-Officio, Additional Secretary to Government, Housing & Urban Development Department, Bhubaneswar under Annexure-22 of the writ petition wherein the prayer

of the Petitioner for his absorption in the regular establishment has been rejected.

4. Learned counsel for the Petitioner submits that the Petitioner was engaged as a daily wager w.e.f. 08.02.1996 pursuant to the decision taken under Annexure-1 by the Municipality. It is submitted that as per the decision taken by the Opposite Party No.2 on 15.12.2000 under Annexure-8 to the writ petition, any DLR/NMR engaged after 19.05.1997 is to be disengaged by the concerned Municipality. It is submitted that since the Petitioner is admittedly engaged prior to the cut-off date fixed by the Opposite Party No.2, his prayer for regularization should not have been rejected vide Annexure-22 to the writ petition on the ground that the Petitioner is engaged after the cut-off date, i.e. 12.04.1993. Accordingly, it is submitted that the said order is liable to be interfered by this Court.

5. Mr. Babu, learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submitted that since the Petitioner is engaged after 12.04.1993 and in view of the Resolution No.22764 dated 15.5.1997 of the Finance Department, Government of Odisha, she is not eligible for her absorption in the regular establishment.

6. Mr. P.K. Mohanty, learned Senior Counsel appearing for the Opposite Party No.3-Cuttack Municipal Corporation, on the other hand, submitted that since the Petitioner was engaged as a DLR w.e.f. 8.2.1996, her claim for absorption was forwarded to the Department vide different communications annexed to the writ petition.

7. This Court, after going through the materials available on record, finds that the cut-off date for engagement of DLR/NMR in different urban local bodies of the State is 19.5.1997 and the said fact is reflected in the communication dated 15.12.2000 under Annexure-8 to the writ petition. Therefore, the ground on which the prayer of the Petitioner has been rejected vide the impugned order, as per the view of this Court is completely non-application of mind by the Opposite Party No.2. It is also the view of this Court that the cut-off date indicated in Resolution dated 15.5.1997 is not applicable to the employees engaged as DLR in different Urban Local Bodies.

8. Therefore, this Court is inclined to quash the order at Annexure-22 to the writ petition. While quashing the same and taking into account the communication issued under Annexure-8 to the writ petition, this Court directs the Opposite Party No.2

to pass appropriate order for absorption of the Petitioner in the regular establishment in the appropriate cadre of Cuttack Municipal Corporation within a period of three months from the date of receipt of this order.

9. With the aforesaid observation and direction, the writ petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Debasis

