

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24607 of 2013

Krushna Chandra Naik

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Petitioner

*Mr. Niranjana Lenka,
Advocate*

Vs.

State of Odisha & Ors.

.....

Opposite parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

19.03.2022

Order No.

03

This matter is taken up through hybrid mode.

2. Heard Mr. Niranjana Lenka, 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 to quash the office order dated 06.06.2013 under Annexure-13 issued by opposite party no.4 rejecting the claim of the petitioner for re-engagement.

4. Mr. Niranjana Lenka, learned counsel for the petitioner states that the petitioner is a land oustee of Subarnarekha Irrigation Project and is entitled to be continued in employment given by the Government. Initially the petitioner was appointed on adhoc basis and he was disengaged from service. Therefore, he approached this Court by filing W.P.(C) No.2099 of

2013, which was disposed of vide order dated 18.03.2013 with a direction to opposite party no.4 to look into the grievance of the petitioner and take a decision thereon in accordance with the Government orders, within a period of two months from the date of production of the certified copy of the order. In compliance thereof, opposite party no.4, while rejecting the claim of the petitioner for his re-engagement, vide order impugned dated 06.06.2013 under Annexure-13, observed that the functions in broader sense of duties and responsibilities to carry out in Subarnarekha Irrigation Project by the F.A & CAO wherein such appointment of staff in their office are completely controlled and regulated by the Government in Department of Water Resources, Odisha, Bhubaneswar under dialectics of all administrative affairs. Therefore, the petitioner may be permitted to move the Government.

5. Mr. S.N. Nayak, learned Additional Standing Counsel states that the grievance of the petitioner having been rejected by opposite party no.4 vide Annexure-13 dated 06.06.2013 in pursuance of the order dated 18.03.2013 passed by this Court in W.P.(C) No.2099 of 2013, the same may not be interfered with.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the petitioner, who belongs to Scheduled Tribe community, is a project affected person

as his landed properties were acquired for Subarnarekha Irrigation Project in order to provide irrigation facilities to the people of Mayurbhanj and other neighboring districts. For the purpose of rehabilitation of said landoustees by way of providing employment to a member of each family, a special recruitment drive was made. Pursuant to said advertisement, after being found suitable, the petitioner was given appointment vide order dated 03.01.1990 of opposite party no.2 in the post of Peon in the office of opposite party no.2. Accordingly, the petitioner joined in service on 08.01.1990 in the office of opposite party no.2 by submitting his joining report, which was accepted by the authorities and he was allowed to discharge his duty. While discharging his duties as Peon, opposite party no.2 cancelled his appointment by order dated 20.01.1990. One Basanta Kumar Dhala, who was given appointment as Peon in the office of opposite party no.2 on 03.01.1990, was also removed from service along with the petitioner, on 20.01.1990. Again, opposite party no.2 appointed the petitioner on adhoc basis for a period of 89 days and the said Basanta Kumar Dhala was also given adhoc appointment and their services were extended from time to time. Thereafter, the services of the petitioner were terminated, for which he approached the Orissa Administrative Tribunal, Cuttack Bench, Cuttack by filing O.A. No.1389(C) of 1994/48/99 seeking direction

to the authorities to regularize his services or to give regular appointment instead of adhoc appointment and the said O.A. was dismissed vide order dated 20.04.2012. Challenging the said order, the petitioner preferred W.P.(C) No.6404 of 2012 and this Court, vide order dated 20.04.2012, while declining to interfere with the order dated 20.04.2005, observed that the petitioner may ventilate his grievance before the authority by submitting representation. Pursuant thereto, though he made several representations, but the same were not considered. Thereafter, opposite party no.4 issued office order dated 14.09.2006 under Annexure-7 terminating the services of the petitioner with effect from 15.09.2006. The Director Personnel vide Annexure-8 dated 26.11.2011 issued letters to all the Chief Engineer & Basin Manager, Chief Engineer, Chief Construction Engineer, Superintending Engineer and Director, Research/Hydrometry/SS&DS for furnishing a report indicating re-engagement of retrenched work-charged/NMR/DLR for preparation of panel.

7. Learned counsel for the petitioner contended that since the order impugned dated 06.06.2013 under Annexure-13 has been issued with an observation that the functions in broader sense of duties and responsibilities to carry out in Subarnarekha Irrigation Project by the F.A & CAO wherein such appointment of staff in their office are completely controlled and

regulated by the Government in Department of Water Resources, Odisha, Bhubaneswar under dialectics of all administrative affairs, the petitioner may be permitted to file a fresh representation before the authority highlighting the grievances and direction may be given to consider the same within a stipulated time taking into consideration Annexures- 6 & 8, to which learned State Counsel has raised no objection.

8. As agreed to by learned counsel for the parties, this writ petition stands disposed of with the direction that in case the petitioner, with regard to the grievance made in this petition, files a fresh comprehensive representation before the authority within fifteen days hence, the authority shall consider the same and pass an appropriate order taking into consideration Annexures-6 & 8 as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation along with certified copy of this order.

9. Issue urgent certified copy as per rules.

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE