

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3427 of 2018

Pradeep Kumar Biswal

.....

Petitioner

Mr. S.C. Dash, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

21.10.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Heard Mr. S.C. Dash, learned counsel appearing for the petitioner and Mr. S. Rath, learned Additional Standing Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the retrenchment order dated 14.03.2014 passed by opposite party no.2 under Annexure-1 and the relieve order dated 14.03.2014 passed by opposite party no.3 under Annexure-2 and further to issue direction to the opposite parties to reinstate him in service with all consequential service benefits, within a stipulated time.

4. Mr. S.C. Das, learned counsel appearing for the petitioner contended that the petitioner, having been duly selected as per merit list dated 21.07.2013, was appointed as Office Peon under the regular establishment of the District and Sessions Judge, Balasore, vide order dated 25.01.2014, in which post he joined on 05.02.2014. But, while the petitioner was continuing as such by smoothly discharging his duties, for the reason best known to the authorities, without following the principle of natural justice and without prior notice, retrenched the petitioner from service by order dated 14.03.2014, which cannot sustain in the eye of law. He further contended that pursuant to notice issued by this Court, the opposite parties no.2 and 3 have filed a counter affidavit,

in paragraph-12 whereof they have stated as follows:-

“That in reply to the averments made in Para 15 of the writ petition, that he made representations on 11.02.2015, 17.05.2016 and 18.12.2017 for considering his absorption in service is partly admitted, in as much the only representation dated 18.12.2017 has been received by this office, wherein he has sought to absorb him in service, the representation dated 18.12.2017 (Annexure-6 series) of the petitioner has not been rejected, which is kept pending at this end. Though vacancies in base-level Group-D posts presently exist in this Judgeship, his representation had not been taken into consideration, awaiting disposal of W.P.(C) Nos.17283 of 2013 (Asha Lata Parida and Ors. Vrs. Registrar, Civil Courts, Balasore and 16776 of 2013 (Sanjay Kumar Mohanty and Ors. Vs. State of Odisha & Ors.), wherein the modality of recruitment to Group-D posts held in this Judgeship during this year 2013, has been challenged. Both the aforesaid cases have recently been dismissed/disposed of vide Orders dated 09.03.2022 and 05.07.2022 Respectively.”

5. In the above facts and circumstances, since vacancies are available and admittedly the representation of the petitioner filed on 18.12.2017 is still pending for consideration, the interest of justice would be best served if the case of the petitioner is considered against the existing vacancies in oblivious of Annexures-1 and 2. Therefore, this writ petition is disposed of with the direction to opposite party no.2 to consider and dispose of the representation of the petitioner filed on 18.12.2017 by passing a reasoned and speaking order, keeping in view the fact that the petitioner is a retrenched candidate and vacancies are available, as expeditiously as possible preferably within a period of four weeks from the date of production/communication of certified copy of this order.

Issue urgent certified copy of this order as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE