

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17997 of 2013

State of Orissa & Ors.

.....

Petitioners

Mr. S.N. Nayak, ASC

Vs.

Amulya Nayak

.....

Opposite party

Mr. S. Pattnaik, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

10.03.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S.N. Nayak, learned Additional Standing Counsel for the State-petitioners.
3. None appears for the opposite party at the time of call.
4. The State and its instrumentalities have filed this writ petition assailing the order dated 10.05.2012 under Annexure-3 passed by the Odisha Administrative Tribunal, Bhubaneswar in O.A. No.653 of 2005, by which the petitioners have been directed to absorb the opposite party as Junior Assistant against a regular cadre post and if no suitable post is available, to adjust him by creating a supernumerary post till the regular post is made available, within a period of three months from the date of receipt of the order.
5. Mr. S.N. Nayak, learned Additional Standing

Counsel for the State-petitioners contended that considering the penury of the family, the opposite party was given compassionate appointment against the post of Junior Clerk-cum-Typist in the office of petitioner no.3. He was given appointment against ex-cadre post instead of a regular cadre post. But, the opposite party claims to be absorbed in a regular post.

6. Having heard learned Additional Standing Counsel for the State-petitioners and after going through the record, it appears that the petitioner had been given compassionate appointment in the ex-cadre post as Junior Clerk-cum-Typist in the office of petitioner no.3 instead of regular post. But, while adjudicating O.A. No.653 of 2005, the Tribunal, vide order dated 10.05.2012 directed to absorb the opposite party as Junior Assistant against a regular cadre post and if no suitable post is available to adjust him, a supernumerary post should be created to accommodate him till the regular post is made available. But, however, the Tribunal has not issued any direction with regard to grant of consequential service and financial benefits to the opposite party. To that extent the order of the Tribunal is required to be modified, and the opposite party should be given all consequential benefits as due and admissible.

7. At this stage, learned Additional Standing Counsel contended that at present he has no instructions in the matter.

8. Be that as it may, this Court directs the petitioners to give the opposite party regular appointment, if his services

have not been regularized in the meantime, in terms of the order dated 10.05.2012 passed by the Tribunal in O.A. No.653 of 2005 and extend all consequential benefits to him in accordance with law. Accordingly, the order dated 10.05.2012 passed by the Tribunal in O.A. No.653 of 2005 is modified to the above extent.

9. The writ petition is disposed of accordingly.

Issue urgent certified copy as per rules.

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

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(**SAVITRI RATHO**)
JUDGE

Alok /Sukanta

