

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9889 of 2013

A. Dara Kumar

.....

Petitioner

Ms. S. Pattnaik, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

09.12.2022

I.A. No. 13754 of 2022

Order No.

12.

This matter is taken up through hybrid mode.

2. This application has been filed by the Petitioner seeking for recalling of the Order dated 04.08.2022, by which this Court disposed of the Writ Petition in terms of the Order dated 31.03.2022 passed in W.P.(C) No. 6571 of 2016 (*State of Odisha v. Lokanath Bhutia*).

3. Ms. S. Pattnaik, learned Counsel appearing for the Petitioner as well as Mr. S. Rath, learned Addl. Standing Counsel appearing for the State-Opposite Parties stated that the case of the Petitioner is not covered by the Order dated 31.03.2022 passed in W.P.(C) No. 6571 of 2016 in *Lokanath Bhutia* (supra).

4. Considering the contention raised by learned Counsel appearing for the Parties and after going through the records, the Order dated 04.08.2022 is hereby recalled and W.P.(C) No. 9889 of 2013 is restored to its original number.

5. I.A. stands disposed of.

(DR. B.R. SARANGI)

JUDGE

Ashok

(S.K. MISHRA)

JUDGE

P.T.O.

W.P.(C) No. 9889 of 2013

Order No.

13.

This matter is taken up through hybrid mode.

2. Heard Ms. S. Pattnaik, learned Counsel appearing for the Petitioner and Mr. S. Rath, learned Addl. Standing Counsel appearing for the State-Opposite Parties.

3. The Petitioner has filed this Writ Petition seeking to quash the Notice dated 20.04.1999 under Annexure-3, so far as it relates to him, as well as the Order impugned dated 26.03.2013 passed by the Orissa Administrative Tribunal, Bhubaneswar Bench, Bhubaneswar in O.A. No. 1072 of 1999 under Annexure-9, and to issue direction to the Opposite Parties to consider his case for regularization in service along with all service benefits from the date of his initial appointment.

4. Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-Opposite Parties received instructions on 29.07.2022, wherein it has been stated as follows:-

“In inviting a kind reference to the subject cited above, it is to state that the salary/wages of Sri A. Dara Kumar (Petitioner) is being paid after receipt of allotment in regular intervals.”

5. The aforesaid instructions has been received by learned Addl. Standing Counsel on 29.07.2022, which has been reflected in the Order dated 04.08.2022. As it reveals from the aforesaid letter, the Petitioner has been paid the salary after receipt of allotment in regular intervals. So far as the claim with regard to regularization of service is concerned, it is stated by both the Counsel appearing for the Parties that the case of the Petitioner is covered by the Order dated 16.11.2021 passed by this Court in WPC (OAC) No. 2766 of 2015 (***Saroj Kumar Dash v. State of Odisha and Ors.***). Thereby, it is contended that this Writ Petition may be disposed of in terms of the aforesaid Order.

6. In view of the above submission, the Notice dated 20.04.1999

under Annexure-3, so far as it relates to the Petitioner, and also the Order impugned dated 26.03.2013 passed by the Orissa Administrative Tribunal, Bhubaneswar Bench, Bhubaneswar in O.A. No. 1072 of 1999 under Annexure-9, cannot sustain in the eye of law and are liable to be quashed and are hereby quashed. The matter is remitted back to the Authority concerned to consider the case of the Petitioner in terms of the Order dated 16.11.2021 passed by this Court in WPC (OAC) No. 2766 of 2015 in **Saroj Kumar Dash** (supra) and pass appropriate Order in accordance with law as expeditiously as possible, preferably within a period of three months from the date of production of certified copy of this Order.

7. The Writ Petition is accordingly disposed of.

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Ashok

