

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1876 of 2022

Jasobanta Mohanty

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.09.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. J.R. Dash, learned counsel for the Petitioner, Mr. R.N. Mishra, learned AGA appearing for the State-Opp. Parties and Mr. D.K. Pattnaik, learned counsel appearing for O.P. No.3.

3. Mr. Dash, learned counsel for the Petitioner submitted that in spite of the clear order passed by this Court in its Order dtd.13.07.2021 in W.P.(C) No. 3662 of 2016 under Annexure-5, the claim of the Petitioner has been rejected by the O.P. No. 1 vide the impugned order dtd.30.09.2021 under Annexure-6.

4. It is submitted that the order passed by this Court on 13.07.2021 under Annexure-5 was never assailed by the Opp. Parties and accordingly the said order attained finality in the eye of law. But instead of complying the said direction the impugned order under Annexure-6 was passed by rejecting the claim of the Petitioner.

5. A counter affidavit has been filed by the Opp. Party Nos.1 & 2. In the said counter at Para 10 it has been submitted as follows:-

“10. That the averments made in para-4 of the writ petition are equally false, frivolous and incorrect in

nature. It is humbly submitted that earlier the petitioner had approached this Hon'ble Court in WP(C) No.3662/2016, which was disposed of on 13.07.2021 directing regularization of the petitioner. According to the order dt.13.07.2021 of this Hon'ble Court passed in WP(C) No.3662/2016, the claim of the petitioner for regularization of his services was considered and having found no merit in his favour his claim was rejected vide order dt.30.09.2021 on the grounds indicated in the said order."

6. This Court after going through the same, finds that the said averment is totally contemptuous in nature and such statement should not have been averred in the counter filed by the Opp. Nos.1 & 2.

7. Be that as it may, since there is a clear direction of this Court to regularize the services of the Petitioner and considering the request made by Mr. Mishra, learned AGA not to take any punitive action against the deponent of the counter affidavit for making such averment, this Court while quashing the impugned order directs the O.P. No. 1 to pass appropriate order by regularizing the services of the Petitioner within a period of 15 days from today. Petitioner is directed to provide a copy of this order before the O.P. No. 1 within three days from the date of receipt of this order. O.P. No. 1 is further directed to act on the same immediately and comply the direction as indicated hereinabove.

8. The writ Petition is allowed and disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha