

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8722 of 2010

Sanatan Barik

....

Petitioner

Mr. S.N.Sharma, Advocate

-versus-

State and others

....

Opposite Parties

Mr. S.K. Samal, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

11.08.2022

Order No.

12.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the Opposite Parties.
3. The grievance of the petitioner is that the petitioner was disengaged from his service while working under the supervision of the Medical Superintendent, Basanta Manjari Swasthya Nivas, Chandpur under the Administrative control of CDMO, Nayagarh from 01.10.2002 till the order of disengagement on 01.02.2010.
4. Assailing such order of disengagement the petitioner has approached this Court with the following prayer;

“i. to quash the letter bearing No.211 dated 01.02.2010 issued by the Medical Superintendent B.M. Swasthya Nibas, Chandpur

- ii. *Directing the Opposite Party No.4 to allow the petitioner to work in B.M Swasthya Nivas, Chandpur as kitchen attendant*
- iii. *to direct the Opposite Parties to fix the daily wages of the petitioner at Rs.70/- w.e.f. June 2007 and at Rs.90/- w.e.f. 27.02.2009 and to release the current and differential arrear wages within a short stipulated period”*

The assertions of the petitioner has been converted by the State Authorities by filing a counter affidavit inter alia stating that taking into account the very nature of this appointment, the petitioner cannot claim any vested right to continue and as such there is no illegality in passing the order at Annexure-10.

5. Petitioner has filed a rejoinder affidavit in paragraph-14 thereof, categorical stand has been taken that the impugned order at Annexure-10 was passed without the knowledge and decision of the Executing Committee of Zilla Swasthya Sammittee.

6. During the course of deliberation, it has come to the fore that the petitioner has made a representation by registered post to the CDMO, Nayagarh on 05.02.2010 and subsequent reminder was also sent on 23.03.2010 and postal receipts evidencing such submission of the representation as well as reminder are on record.

7. Taking into account the nature of the prayer, this Court directs the CDMO, Nayagarh-Opposite Party No.4 to take a decision on the representation of the petitioner regarding illegal disengagement as well as his entitlement of wages as due and admissible, notwithstanding the order of disengagement at Annexure-10. As the petitioner has been litigating since 2010,

Opposite Party No.4 shall do well to dispose of the representation of the petitioner within a period of six weeks from the date of production/receipt of the certified copy of the order of this Court along with representation referred to herein above.

(V. NARASINGH)
Judge

Santoshi

