

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24606 of 2017

State of Odisha and another

.....

Petitioner

Mr. P.P. Mohanty, AGA

Vs.

Rabinarayan Sahoo

.....

Opposite parties

Mr. S. Roy, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

13.04.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard learned Additional Government Advocate for the petitioners and learned counsel for opposite parties.

3. The State functionaries being the petitioners have challenged the common order dated 25.04.2017 passed by the learned State Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 3261 (c) of 2014 and batch of cases directing the petitioners to extend the service and financial benefits to the opposite parties with effect from 01.03.2009.

4. The case of the opposite party-applicant before the Tribunal was that he was joined as NMR under Minor Irrigation Division, Khurda prior to 12.04.1993. In spite of the Finance Department Resolution dated 15.05.1997 he was not brought over to the regular/wages establishment. However, the Government of Orissa in Department of Water Resources vide notifications dated 28.02.2009 and 19.06.2009 decide to bring over 5702 nos. of NMRs in the department engaged prior to 12.04.1993 to work charged establishment. The opposite party was however brought

over to the work charged establishment vide order dated 31.12.2009 with the effect from 01.03.2009, but he was allowed financial benefits with effects with effect from the date of joining in the work charged establishment. When similarly situated and also persons engaged subsequent to the opposite party have brought over to the work charged establishment and given the financial benefits with effects from 01.03.2009 and the opposite party was not extended with such benefits, opposite party approached the Tribunal in O.A. No. 3561(c) of 2014 and batch of cases.

5. The tribunal disposed of the original application along with batch matters in a common order dated 25.04.2017 directing the petitioners to extend all service and financial benefits with effect from 01.03.2009 to the opposite party in the work charged establishment and accordingly the arrear differential pay be disbursed to him. Challenging the said order, though the State preferred SLP (C) No. 11066 of 2020, the same was dismissed vide order dated 13.07.2020.

6. The Court by order dated 04.04.2022 directed learned Additional Government Advocate to obtain instruction as to on what basis the appointment letter was issued in the month of December, 2009 instead of March, 2009, when a decision was taken on 28.02.2009 to bring the employees under Work-charged establishment to regular establishment.

7. In term of the said direction, it is stated on behalf of the petitioners that the delay was caused due to departmental procedure at a belated stage and in the meantime juniors have been regularized and extended the financial benefits prior to the date

when the opposite party has been regularized.

8. Since the juniors to the opposite party have been regularized and extended the service and financial benefits with effect from 01.03.2009, there is no reason to extend such benefits in favour of the opposite party at a later date. Thus, the tribunal has rightly directed the petitioners to extend such benefit in favour of the opposite party with effect from 01.03.2009. Since the tribunal has passed a reasoned order, this Court is not inclined to interfere with the same in exercising its jurisdiction conferred under Article 227 of the Constitution of India.

9. The writ petition is accordingly dismissed.

Issue urgent certified copy as per rules.

Ashok/Sukanta

