

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4030 of 2022

Krishna Chandra Sahoo

.... ***Petitioner***
Mr. S. Mallick, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Under the aforesaid facts and circumstances the petitioner humbly prays that this Hon’ble Court may graciously be pleased to;

I. Quash the impugned order dated 31.12.2021 as at Annexure-11.

II. Direct/order that the petitioner shall be treated as regular employee with effect from the of completion of five years in work charge establishment and shall be allowed pension and other post retirement benefits and the differential arrear dues shall be paid within a stipulated period with admissible interest thereon.

III. Pass such other orders as may be deemed fit

and proper in the interest of justice.”

4. Learned counsel for the petitioner submits that the claim of the petitioner was rejected by the opposite parties on the ground that the petitioner belongs to cadre of common seniority list of Major Irrigation Project. Since the cadre of the petitioner is different when the persons who have been extended benefit, the petitioner cannot claim parity and the prayer of the petitioner has been rightly rejected under the impugned order.

5. Upon perusal of the impugned order, it is found that the ground taken by the authority in rejecting the claim of the petitioner clearly violates the Article-14 of the Constitution of India i.e. he cannot be discriminated on the ground taken by the opposite parties. Accordingly, the impugned order dated 21.12.2021 is unsustainable in law and the same is set aside. The authority is directed to consider the case of the petitioner in the light of the discussion made hereinabove within a period of two months from the date of production of certified copy of this order. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order within the aforesaid time period. Any decision taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

6. With the aforesaid observation/direction, the writ petition is allowed.

Urgent certified copy of this order be granted on proper application.

