

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4303 of 2022

Parameswar Rana and others

....

Petitioners

Mr. Basudev Barik, Advocate

-versus-

***The Commissioner-cum-Secretary,
Deptt. of Transport & Commerce,
Odisha and others***

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.03.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. This writ petition has been filed by the Petitioners with the following prayer:

“In view of the aforesaid facts and circumstances, it is humbly prayed that this Hon’ble Court may graciously be pleased to admit the writ application, issue notice to the opp. Parties and after hearing from both the parties to quash/modify the order of disengagement dtd.24.1.2021 under Annexure-1 and further prayed issue direction to the opp. Parties, more particularly opp. Party No.2 & 3 to allow the petitioners to work in their service place where they were working.

And further prayed after reinstatement of their service, their service may kindly be regularized as per prevailing rules and Regulation of the Govt.”

4. The background of the case of the Petitioners is that the Petitioners were engaged as D.L.R. Employees in the year 1998 and discharging their duties of Annexure, DCR, TP, Register, Money Receipt and other contingent works assigned by the A.R.T.O./Jr. MVI in Lakhannath unified check gate, Lakhannath Road in the district Balasore. They were paid by the RTO, Balasore (Opposite Party No.3) as per the instructions/approval of the Govt. with periodical sanctioned from time to time. It is further submitted by learned counsel for the Petitioners that Petitioners were continuing from the year 1998 to till September, 2011 under the Supervisions of Opposite Party No.3 with their best service performance, for which, the Authority recommended the names of the Petitioners from time to time for approval of engagement before the Opposite Party Nos.1 and 2. Till September, 2011, they have been allowed to continue as such without any break. Thereafter, Govt. has decided to engage the outsource agency to discharge the duties of the Petitioners. Accordingly, they worked under the outsource agency for three years. Again another outsource agency was engaged. Thereafter, instead of outsource agency, Govt. directly employed the Petitioners w.e.f 6.11.2015 to 31.3.2017 as DLR employees and they were posted at Lakhannath check gate. But while continuing as DLR employees in Road Safety (SOP) under Opposite Party No.3, Petitioners services were not extended on the ground of ‘Deficiency of Fund of the State Govt.’ and accordingly petitioners were disengaged from their services from 01.10.2021 under Annexure-1.

5. It is stated that as per the decision taken in the Board meeting held on 28.09.2021, it was decided to disengage the Security Guards as the objective could not be achieved for which they were engaged. Moreover, there is scarcity of funds with the State Govt. to pay remuneration of the Petitioners. Accordingly, the Petitioners were disengaged from their services.

6. After disengagement of the Petitioners, they approached the Authority-Opposite Party No.1 by filing representation dated 18.10.2021 to consider the case of the Petitioners, which is stated to be pending before the said Authority as of now.

7. Learned counsel for the State on the other hand submits that due to lack of funds, the Petitioners could not be allowed to continue as DLR employees. Further he submits that the Petitioners were engaged as DLR employees and they should not claim any right to continue in such post any further. Accordingly, he prays for a dismissal of the writ petition.

8. Having heard learned counsel for the parties and considering the factual background of the case and as the Petitioners have been serving on ad hoc basis for above two decades, the Authorities should consider the case of the Petitioners sympathetically. In any case, the Opposite Party No.1 is directed to consider the representation of the Petitioners dated 18.10.2021 (Annexure-11 series), pending before it within a period of two months from the date of production of certified copy of this order. In the event it is found that there are vacancies and Petitioners may be accommodated, then the case of the Petitioners be considered for

engagement on regular posts by the Authority. It is open for the Petitioners to file any other documents, judgments of this Court whereby DLR employees have been allowed to be regularized before the Authority.

9. With the aforesaid direction, the writ petition stands disposed of.

10. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

