

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5939 of 2022

Dillip Kumar Nayak

....

Petitioner

Mr. B.S. Tripathy-1, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.03.2022

Order No.

- 01.
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 prayer:-
 - i) direct the opp.party No.1 to forthwith issue formal order regularizing his services as Data Entry Operator w.e.f. 07.09.2015 in the sale of pay PB-1-5200-20200/- +GP Rs.1900/- with usual allowances admissible from time to time as per GA Dept. Resolution dt.17.09.2013 and in the same manner as has been allowed to similarly situated outsourced contractual DEOs in various State Govt. Departments as in Annexure-8 Series and 9 and as per law laid

down by this Hon'ble Court in the recent judgment dt.23.11.2021 rendered in W.P.(C) No.16906 of 2020 (Rashmi Rekha Dash vrs. State);

- ii) Pass such other order(s) as would be deemed fit and proper in the interest of justice and fair play;

4. It is submitted by learned counsel for the Petitioner that the Petitioner has been working as DEO to issue formal order regularizing his services as Data Entry Operator with effect from 07.09.2015 in the scale of pay PB-1-5200-20200/- +GP Rs.1900/- with usual allowances admissible from time to time as per GA Department Resolution dt.17.09.2013 on his completing six years of satisfactory service as Data Entry Operator and in the same manner as has been allowed to similarly situated outsourced contractual Data Entry Operator in various State Govt. Departments and establishments with all consequential service and monetary benefits.

5. It is further submitted by learned counsel for the Petitioner that although the Petitioner has completed seven years of service as DEO i.e. more than six years as provided under rule and regulation of service. However, the authorities have not considered case of the Petitioner as of now and he seeks for a direction to the authorities to consider his case. Further relied upon to the judgment of this Court in the case of ***Rashmi Rekha Dash and others vrs. State of Odisha*** and others (W.P.(C) No.16906 of 2020) disposed of on 23.11.2021 and ***Rudrakanta Panda and others vrs. State of Odisha and others*** (WPC(OAC) 2430 of 2015) disposed of on 10.12.2021.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the case of the

Petitioner in the light of the judgment of this Court and if the petitioner found suitable and eligible, his case shall be considered for regularization.

6. Having regard to the submissions made by learned counsel for the parties, this Court directs the petitioner to approach the Principal Secretary to Government, Steel and Mines Department, Bhubaneswar-Opposite Party No.1 along with relevant copies of the judgment as stated hereinabove. In the event the petitioner submits the relevant documents along with certified copy of this order, the same shall be considered within a period of two months thereafter in accordance with law. Further in the event, the Petitioner is found suitable and eligible for regularization as per the judgment of this order Court, he shall be regularized within a period of two months thereof. Till the decision is taken, the Petitioner shall not be disengaged from his service.

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

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

(A.K. Mohapatra)
Judge