

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 12357 of 2012

***Venkta Ravana Subrhamanu
Kompella***

Petitioner

M/s. S. Dash-A, Advocate

-versus-

Bank of India and others

Opposite Parties

M/s. K. Jena, Advocate

CORAM: JUSTICE V. NARASINGH

**ORDER
06.09.2022**

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Dash-A, learned counsel for the petitioner and Mr. Jena, learned counsel for the Opposite Party.
3. The petitioner claiming to work under the Opposite Party-Bank of India, Sunabeda Branch as Sepoy (Sub-ordinate Staff) from 1989 to 2002 has approached this Court seeking a direction for regular appointment in view of his long period of service.
4. It is apt to mention here that earlier the Petitioner had filed O.J.C. No.6290 of 1998 seeking regularization of his appointment as Sepoy and for equal salary and other service benefits as being paid to other sub-ordinate staff and this Court by order dated 03.11.2000 permitted withdrawal of the said writ petition giving liberty to the petitioner to participate in the selection pursuant to the advertisement to fill up the post held by the petitioner in the event he applies for the same and for consideration of his case along with

other eligible candidates if he is found eligible and suitable and also observed that merely on the ground of crossing the upper age limit his claim should not be rejected.

5. Thereafter, the petitioner filed W.P.(C) No.3976 of 2004 assailing that no advertisement was published in the newspaper for recruitment and the advertisement has only been pasted in the notice board within the Bank premises, so as to give undue advantage to their chosen one. Such stand of the petitioner was resisted by the Bank authorities by filing counter and thereafter taking note of the stand of the Bank in the counter affidavit that the advertisement is not for filling of any regular vacancy and in fact there is no vacancy in the Sub-ordinate Cadre of Bank of India Sunabeda Branch the Writ application was dismissed by order dated 07.03.2012.

6. It is submitted by the learned counsel for the Opposite Party-Bank that the present writ application has been filed reiterating the grievance which has already been considered and rejected by this Court in W.P.(C) No.3976 of 2004 herein above adverted to.

7. On a conspectus of materials on record this Court does not find any merit in the contention of the petitioner to issue any direction as the selfsame grievance of the petitioner seeking regularization was earlier not entertained by this Court, as rightly pointed by the learned counsel for the Opposite Party-Bank.

8. The Writ Application is thus devoid of merit.

9. It shall be open to the Opposite Party to consider the claim of the petitioner in the event he files a representation for re-engagement keeping in view the past service rendered and which

shall be considered on its own merit without being prejudiced by the earlier order passed by this Court or the order passed in this Writ Petition.

10. With such observation the writ application stands disposed of.

11. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge

Santoshi

