

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8426 of 2022

Guru Charan Dalabehera *Petitioner*
Mr. B. Barik, Advocate
-versus-
State of Odisha and others *Opposite Parties*
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
16.05.2022

I.A. No.6369 of 2022

- 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. In view of the submissions made, the order dated 02.05.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(*A.K. Mohapatra*)
Judge

W.P.(C) No.8426 of 2022

- 03.
4. Heard.
 5. The Petitioner has filed the present writ application with the following prayer:

“In the circumstances, it is humbly prayed to

this Hon'ble Court may be pleased to issue notice to the Opposite Parties as to why the case shall not be allowed and after hearing parties may kindly be directed to the Opposite Parties to regularize the the disengagement period of the applicant i.e. from 28.03.2003 to 21.07.2012 with all financial benefit including promotion and all other benefit which has been granted to his counterpart employees for the interest of justice.

And pass any order/orders which the Hon'ble Court may deem fit and proper.”

6. It is submitted by the learned counsel for the Petitioner that the Petitioner was appointed in work charged establishment with effect from 05.01.1982 though as per the Scheme floated by the State Government for the Land Looser persons the Petitioner was entitled for regular employment. It is further submitted by the learned counsel for the Petitioner that the Petitioner was retired from service on 31.03.2022 and he is not eligible to get pension in terms of the Orissa Civil Service Pension Rules, 1992. The Resolution dated 15.05.1997 of the Finance Department is applicable to all the daily wage/NMR and J.C. employees of all the departments of the State. It was decided that the daily wage/NMR/JC employees would be regularized in phased manner as per the availability of vacancies and on the basis of their seniority.

7. Learned Additional Standing Counsel appearing for the State opposed the prayer for regularization of service of the Petitioner stating that he is not eligible to be regularized in his post he was continuing.

8. Considering the submissions of the learned counsel for the respective parties and the materials available on record, this Court disposes of the writ application at the stage of admission directing the Executive Engineer, Left Canal Division No.II, Duburi, Opposite

Party No.4 to consider the case for regularisation of the Petitioner's service in the light of the Resolution dated 15.05.1997 of the Finance Department Government of Odisha under Annexure-5 to the writ application within a period of three months from the date of production of certified copy of this order and in the event the service of the Petitioner is regularized, necessary steps be taken to sanction and disburse pension in favour of the Petitioner within a period of one month from the date of such decision.

9. With the aforesaid observation, the writ application stands disposed of.

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

Jagabandhu

