

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8959 of 2022

Daya Badanayak

.... ***Petitioner***
Mr. Dillip Ray, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
20.04.2022

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Under the above facts and circumstances, it is humbly prayed that your Lordship’s would graciously be pleased to admit and allow this petition, issue notice to O.Ps. to file show cause as to why the service of the petitioner shall not be regularized from the date of his joining i.e. 01.02.1994 as per the similar employees like Chitta Ranjan Mallick and others of Basudebpur Municipality & in case of Nakul Naik if the O.Ps. fail to show cause or show insufficient cause, the Rule NISI Issued may be made absolute.

And, further may kindly direct the O.P. No.1 and 2 to regularize the service of the petitioner from the date of

his joining i.e. 01.02.1994 uninterrupted completion of service from the date of appointment with all sorts of financial benefits as per the averments made in the representation dtd. 01.09.2021 keeping in view of the decision reported in Nakula Naik case reported in 2017(1)OLR 293 & the case of Gajendra Pr. Behera vrs. State of Odisha & others reported in 2014 Suppl. (2)OLR and the decision reported in 71(1991) CLT 262 & so also in (2006) 4 SCC 1 Secy. Vrs. Uma Bharati case for interest of justice.”

4. It is submitted by learned counsel for the Petitioner that the case of the petitioner, who is working as a sweeper under the Jeypore Municipality w.e.f the date of initial joining as DLR/NMR i.e. 01.02.1994, has not been considered and whereas similarly situated employees working in other NACs/Municipalities in the State of Odisha have been taken under the regular establishment after completion of 10 years of uninterrupted service as DLR/NMR with equal pay for equal work.

5. It is further submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 01.09.2021, under Annexure-5 before the Director, Municipal Administration, Bhubaneswar-Opposite Party No.2, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

6. Learned counsel appearing for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

7. Considering the submissions made by the respective parties and the limited nature of grievance involved in the present writ

petition and further keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Director, Municipal Administration, Bhubaneswar- Opposite Party No.2 to consider the representation of the Petitioner dated 01.09.2021 under Annexure-5 in accordance with law within a period of two months from the date of production of certified copy of this order. Further, it is directed that while considering the representation of the petitioner, the decisions rendered in the case of in *Nakula Naik case* reported in **2017(1)OLR 293** & the case of *Gajendra Pr. Behera vrs. State of Odisha & others* : reported in **2014 Suppl. (2)OLR** and the decision reported in **71(1991) CLT 262 & so also in (2006) 4 SCC 1** shall be taken into consideration. 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 on the same. Any decision taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

8. With the aforesaid observation/direction, the writ petition is disposed of.

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

(*A.K. Mohapatra*)
Judge