

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9535 of 2022

Brijlal Kand

....

Petitioner

Mr. Suresh Kumar Panda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

25.04.2022

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 with a prayer to regularize the service of the present Petitioner on the ground that several post of Casual Labourer are lying vacant in the office of CDVO, Nuapada under the Director of Animal Husbandry & Veterinary Services, Odisha, Cuttack.
4. It is submitted by learned counsel for the Petitioner that although large number of post are lying vacant in the office of CDVO, Nuapada and Petitioner is working against the sanctioned vacant post since long, but his service has not been regularized despite several approaches to the Authorities. It is further submitted that Petitioner will file a fresh representation before the Director, Animal Husbandry & Veterinary Services, Odisha, Cuttack- Opposite Party No.2, which may be considered in accordance with law within a stipulated period of time.

5. Learned counsel for the State has no objection if a direction is given to the Authority to consider the fresh representation of the Petitioner in view of the law laid down by the Hon'ble Supreme Court within a stipulated period of time.

6. Having heard learned counsel for both the parties and taking into consideration the grievance of the Petitioner, this Court feels it appropriate to dispose of the writ petition with a direction to the Petitioner to file a fresh representation within a period of two weeks along with certified copy of this order. In that event, Opposite Party No.2 shall consider the same in accordance with law within a period of two months from the date of presentation of such representation in the light of the judgments of Hon'ble Supreme Court in the case of *State of Karnataka vs. Umadevi*, reported in (2006) 4 SCC 1, in the case of *State of Karnataka vs. M. L. Kesari*, reported in (2010) 9 SCC 247 and in the case of *Amarkant Rai vs. State of Bihar*, reported in (2015) 8 SCC 265. Opposite Party No.2 is also directed to dispose of the said representation by passing a speaking and reasoned order. Decision so taken be communicated to the Petitioner within two weeks thereafter.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge