

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10437 of 2022

Pabitra Mohan Sahu

....

Petitioner

Mr.Lalatendu Samal, Advocate

-versus-

***Principal Secretary to Government
of Odisha and others***

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.05.2022

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 Additional Government Advocate.

3. The present writ application has been filed by the Petitioner with the following prayer:

“ It is therefore prayed that your Lordships’ would be graciously pleased to direct the Opposite Party Nos. 1 & 2 to bring over the services of the Petitioner to regular/wages establishment either w.e.f. 05.12.1986 i.e. after completion of 5 years continuous service in work-charged establishment as a Helper or at least for one day prior to his retirement for the purpose of extending pension and other pensionary benefits in favour of the Petitioner at an early date;

And/or pass such other order/orders deemed fit and proper;

4. Mr.Samal, learned counsel for the Petitioner contended that similarly situated persons had approached the Orissa Administrative Tribunal in O.A.No.12513 (C) of 2009 and O.A.No.2348 (C) of 2009 which was disposed of on 11.06.2009 and 18.06.2018 respectively. Challenging the said orders, State has preferred W.P.(C) No.27950 of

2019 and WP.(C) No.19550 of 2011 which was disposed of on 03.02.2021 confirming the orders passed by the Tribunal, thereby there is a direction from this Court that the Petitioner therein should be treated to have been regularized in service at least one day prior to his superannuation, by creating supernumerary post, if necessary and accordingly, he shall be extended with the pensionary benefits as would be admissible to him. It is contended that in view of the orders passed by this Court, the Petitioner being on the same footing, is entitled to get the benefit of the said order. Accordingly, this writ petition may be disposed of in the light of the order dated 03.02.2021 passed by this Court as the said order has not been challenged before the apex Court till date.

5. Considering the limited nature of grievance of the Petitioner, this writ petition is disposed of directing the Opposite Parties to consider the grievance of the Petitioner in the light of the orders passed in W.P.(C) No.27950 of 2019 and W.P.(C) No.19550 of 2011, disposed of on 03.02.2021 and pass appropriate order in accordance with law and extend the benefits to the Petitioner, if he is otherwise eligible pursuant to said order as expeditiously as possible within a period of four months from the date of communication of this order.

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

8. Issue urgent certified copy as per Rules.

RKS

(**A.K. Mohapatra**)
Judge