

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10889 of 2022

Prasanta Kumar Barik

.... Petitioner
Mr. K.C.Kar, Advocate

-versus-

State of Odisha and others

.... Opposite Parties
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
09.05.2022

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 counsel for the State.
3. The present writ petition has been filed by the Petitioner with the following prayer:-

“ The Petitioner therefore, prays that Your Lordships may be pleased to admit writ petition and upon hearing direct theOpp.PartyNo.1 to regularize his service further to recommendation dated 24.11.2015 of Excise commissioner, Odisha and direct Opp.Party No.3 to allow the Petitioner to discharge his duties and pay regularize wage/salaries till regularization of his service.

And pass such other order/direction as may be deemed fit and proper under law and equity.

4. It is submitted by learned counsel for the Petitioner that the Joint Commissioner, Excise and Commissioner, Excise has written a letter to the Additional Secretary and Principal Secretary to Government of Odisha, Excise Department for proposal for ex-post

facto sanction of post of Driver working on contractual basis in different District Excise Offices of the Stat. He further submits that the Government has not taken any decision on the proposal submitted by the Joint Commissioner & Commissioner of Excise. Therefore, he seeks a direction to the Opposite Parties to take suitable decision in favour of the petitioner.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance of the Petitioner within a stipulated period of time.

6. Considering the aforesaid submissions made, limited nature of grievance of the Petitioner and the fact that the petitioner was working as contractual employee for a continuous period of 16 years, this Court disposes of the writ petition with a direction to the Opposite Party No.1 to consider the proposal under Annexure-4 series in accordance with law within a period of two months from the date of production of certified copy of this order. It is needless to mention here that the proposal shall be considered 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 two weeks thereafter.

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

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

(A.K. Mohapatra)
Judge