

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10947 of 2022

Gagan Bihari Lenka

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.10.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S. Roy, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

"It is therefore prayed that this Hon'ble Court may graciously be pleased to admit the writ petition and issue Rule "NISI" to the Opp. Parties to show cause as to;

(i) Why the impugned order dated 07.04.2022 passed by the O.P. No.1 under Annexure-9 in the facts and circumstances of the case will not be declared as illegal and as such liable to be set aside;

(ii) Why the Opposite Parties will not be directed to regularize the services of the petitioner within a stipulated time; and

(iii) Why the Opposite Parties will not be directed to sanction pension and other pensionary benefits as due and admissible in favour of the petitioner on such regularization of his service within a stipulated time; and

And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ /writs and any other order as deem fit be passed;

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

4. It is submitted by learned counsel for the Petitioner that similar issue has been decided by this Court vide order dtd.29.09.2022 in W.P.(C) No. 21449 of 2022.

5. Mr. Mishra, learned AGA was also provided with the copy of the said order and he also submitted that the issue involved in the present case is covered by the said decision.

6. In view of that this Court while quashing the impugned order dtd.07.04.2022 directs the Opp. Parties to act in terms of the order passed by this Court on 29.09.2022 in W.P.(C) No.21449 of 2022. The Petitioner is directed to provide copy of this order along with the order passed in W.P.(C) No. 21449 of 2022 before the O.P. No. 1 for doing the needful in the matter within a period of three (3) days from the date of receipt of this order.

7. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha