

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14134 of 2021

Sanjaya Kumar Mala

Petitioner
....
Mr. Niranjan Lenka, Advocate

-versus-

State of Odisha and others

Opposite Parties
....
Mr. Pravakar Behera, S.C. for Transport

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
29.04.2022

Order No.

08. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Standing Counsel for the Transport Department.
3. The writ petition filed by the Petitioner involves the following prayer:

“Therefore, it is prayed that this Hon’ble Court be graciously pleased to admit the writ application, issue rule NISI in the nature of writ of mandamus or any other writ/writs as deem fit and proper calling upon the opposite parties to show-cause as to why the order dtd.31.03.2021 passed by the Opp. Party No.4 vide Anneuxre-7 and all actions pursuant thereto shall not be quashed and they shall not be directed to regularize the service of the petitioner with all service benefits.

In the event of the opposite parties fail to show-cause or show insufficient cause said rule be made absolute.

And further be pleased to pass any order/orders, direction/directions as deem fit and proper.

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

4. Learned Standing Counsel for the Transport Department draws attention of this Court to the order of this Court dated 03.03.2013, passed in the case of WPC(OAC) No.1331 of 2013, wherein the very same Petitioner had approached this Court for regularization of his service. This Court by order dated 03.03.2022 has disposed of the said writ petition with a direction to the Authority to consider the case of the Petitioner for regularization in the light of the judgments of the Hon'ble Supreme Court judgments of the 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 and others vs. M. L. Kesari and others***, reported in ***(2010) 9 SCC 247*** and in the case of ***Amarkant Rai vs. State of Bihar and others***, reported in ***(2015) 8 SCC 265***.

5. Learned Standing Counsel further submits that in vide of the order dated 03.03.2022 passed in WPC(OAC) No.1331 of 2013 has become infructuous as similar prayer is there in the present writ petition.

6. Learned counsel for the Petitioner on the other hand submits that besides the prayer of regularization of the Petitioner, the Present writ petition has been filed challenging the order dated 31.03.2021 under Annexure-7 passed by the Collector, Puri, in Misc. Case No.03/RTA/2021, arising out of order passed by Hon'ble High Court in connection with W.P.(C) No.5226 of 2021.

7. Considering the aforesaid factual aspect and the submissions made by the respective parties, this Court keeping in view the direction of this Court dated 03.03.2022 passed in W.P.(C) OAC No.131 of 2013, the order of the Collector, Puri in Misc. Case No.03/RTA/2021 is set aside and the matter is relegated back to the

Opposite Party No.1 to reconsider the matter in the light of the order dated 3.3.2022 passed in WPC(OAC) No.1331 of 2013.

8. With the aforesaid direction, this Writ Petition stands disposed of. Further it is directed that till a decision is taken in the matter, the service of the Petitioner shall not be disturbed.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

