

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17001 of 2022

Mangulu Kumbhar

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.07.2022

Order No

01.

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

2. Heard learned counsel for the Petitioner and learned counsel appearing for the State-Opp. Parties.

3. The main grievance of the petitioners as laid in the present writ petition is, they were granted temporary status pursuant to the Finance Department Resolution No. 22764/F/dated 15.05.1997, vide order dated 04.09.2012, but were not absorbed against regular vacancies. They had approached the learned Tribunal ventilating their grievance in O.A. No. 2991(C)/2018, which was disposed of vide order dated 05.12.2018 with a direction to opposite party no.3- Director, Animal Husbandry & Veterinary Services, Odisha, Cuttack to consider the representation of the petitioners and to take a decision within a period of three months from the date of receipt of copy of the said order. Pursuant to such order, the Director vide order dated 16.03.2019 (Annexure-9) has held that though several correspondences have been made to the Government in

Administrative Department as well as concerned CDVOs on the matter in order to comply with the observation made by Govt. in Finance Department, no Government order to that effect has been received and the same is awaited. It is further stated that since regularization against the Group-D vacancies requires concurrence of Finance Department as well as Administrative Department, the Director cannot take any unilateral decision in the above matter. On such ground it was held that it is not possible to consider the representation of the petitioners for regularization of their services.

4. Since the learned Tribunal had directed the concerned authority to take a decision in the matter, the said authority cannot shy away from such responsibility by taking the plea of non-availability of Government order. Be that as it may, after hearing the parties, this Court deems it proper to grant one more opportunity to the authority concerned to take a decision in the matter after considering all factual and legal aspects involved.

5. The writ petition is therefore disposed of with a direction to opposite parties no. 1 and 2 to take a decision in the matter of regularization of the employees in question within a period of six weeks from the date of receipt of the certified copy of this order.

6. Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge

Sneha