

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13304 of 2016

State of Odisha and others

.....

Petitioner

Mr. S.Jena, Advocate

Vs.

***Manoj Kumar Sahoo and
another***

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

08.04.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Mr. S. Jena, learned standing counsel for School & Mass Education Department contended that the opposite party who was continuing as Sikhya Sahayak and thereafter his service was regularized. He approached the Tribunal in O.A. No. 1231 of 2013 for grant of pensioanry benefits. The said original application was however tagged to O.A. No. 2501 of 2013 (Sabita Mohapatra v. State of Odisha) and batch of cases. O.A. No. 2501 of 2013 and batch of cases were filed by some constables. Though the present opposite party stands in complete different footing, his Original Application was however disposed of along with O.A. No. 2501 of 2013. He further contended that the observation and direction given in O.A. No. 2501 of 2013 and batch is not applicable to the case of the present opposite party in view of the fact that the appointment of the opposite party was a schematic one and he joined under the Scheme of Swechhasevi Sikhya Sahayak and continued in the said post from 2003 to 2009. Therefore, he cannot

get the benefit of regularization for the said period.

3. Mr. Jena, learned counsel further contended that similar issue was there before this Court in W.P.(C) No. 17023 of 2012, which was disposed of vide order dated 07.04.2022.

4. In view of the above, this writ petition stands disposed of in terms observation made in W.P.(C) No. 17023 of 2012 and as such the order dated 29.09.2014 passed in O.A. No. 1231 of 2013, pertaining to the opposite party, is modified to the extent as indicated above.

5. The writ petition is accordingly disposed of.

Arun/ Bichi



(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE