

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.465 of 2019

Pandaba Sahoo and others

Appellants

....
Mr. J. Biswal, Advocate

-versus-

State of Odisha and another

Respondents

....
Mr. Debakanta Mohanty, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

15.11.2022

Order No.

Misc. Case No.727 of 2019

03. 1. For the reasons stated, the delay of 139 days in filing the appeal is condoned. The application is allowed.

W.A. No.465 of 2019

2. This writ appeal is directed against an order dated 11th April, 2019 passed by the learned Single Judge disposing of W.P.(C) No.5290 of 2019 filed by the present Appellants in which there were two reliefs prayed for. One was for a direction to the Opposite Party i.e. Acharya Harihar Regional Cancer Centre (AHRCC), Cuttack (Respondent No.2) to regularize the services of the Appellants, who were appointed in Group-C and Group-D on contractual basis. The other was for extension of financial and service benefits to the Appellants.

3. It appears that the learned Single Judge in the impugned order has dealt with one portion of the relief prayed for viz., the prayer of the present Appellants for enhancement of their remuneration on the basis of a recommendation already made on 13th March, 2018 in that behalf by the Director of the AHRCC to the Additional Secretary to the Government of Odisha, Health and Family Welfare Department.

4. However, what is perhaps not noticed by the learned Single Judge was that in the same letter Respondent No.2-AHRCC decided not to regularize the services of the Appellants by observing that “there is no way they can be absorbed as regular staff in AHRCC Cuttack”.

5. Learned counsel for the Appellants is right in contending that the aforementioned prayer of the Appellants was not considered at all by the learned Single Judge on merits.

6. In that view of the matter, the impugned order dated 11th April, 2019 of the learned Single Judge is interfered with only to the extent that it is not considered the prayer of the present Appellants for regularization of their services. The writ petition i.e. W.P.(C) No.5290 of 2019 is therefore restored to the file of the learned Single Judge in the roster Bench where it will be listed for directions on 4th January, 2023. The writ petition will proceed before the learned Single Judge only to consider the prayer of the present Appellants concerning regularization of their services. The Court notes that the pleadings on this aspect are not yet complete. The learned Single Judge will therefore proceed with the writ

petitioner after ensuring that pleadings are complete and endeavour to dispose of the writ petition as expeditiously as possible.

7. The appeal is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

M. Panda

