



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.27669 of 2021

Parsuram Patro

.....

Petitioner

Represented By Adv. -
Sidheswar Mallik

-versus-

State Of Odisha & ors.

.....

Opposite Parties

Represented By Adv. –
S.K.Parhi, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
02.12.2024

Order No.

03.

I.A. No.17835 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. This I.A. has been filed at the instance of the Petitioner with a prayer to recall/ modify the final order dated 10.11.2022.
4. Learned counsel for the Petitioner at the outset submitted that although the Petitioner is a work charged employee, however, inadvertently in the final order, it has been referred to the Petitioner is a job contract employee. In such view of the matter, learned counsel for the Petitioner submitted that the order dated 10.11.2022 needs modification. Learned counsel for the petitioner further contended that the identical issue earlier engaged in a Division Bench of this Court in



Chandra Nandi vs. State of Orissa and ors. in W.P.(C) No.19550 of 2011 disposed of on 03.02.2021. Perused the order dated 03.02.2021 which has been annexed as Annexure-1 to the writ application.

5. Learned counsel for the State on the other hand submitted that the order dated 03.02.2021 passed in the case of *Chandra Nandi vs. State of Orissa and ors.* does not applicable to the facts of the Petitioners' case. He further contended that he will have no objection in the event this Court directs the authorities to consider the case of the petitioner in the light of order dated 03.02.2021 and in the event it is found that the Petitioner is covered in the aforesaid order passed on dated 03.02.2021, then necessary consequential decision and action be taken by the authorities within a stipulated period of time.

6. Taking into consideration the submissions made by the learned counsels appearing for the parties, on a careful examination of the materials on record, further keeping in view the factual background of the present case and taking into consideration the order passed by the Division Bench in *Chandra Nandi vs. State of Orissa & ors.*, this Court deems it proper to dispose of the I.A. at this stage by granting liberty to the Petitioner to approach the Opposite Party No.2 by filing a representation along with a copies of the order passed by the Division Bench in *Chandra Nandi vs. State of Orissa & ors.* and any other judgments in support his contention within a period of three weeks from today. In such eventuality, the Opposite Party No.2 shall do well to consider the same in accordance with law and dispose of the representation of the petitioner by passing a speaking and reasoned order within a period of eight weeks from the date of receipt of the representation. The final decision so taken by the Opposite Party No.2 be communicated to the Petitioner within two weeks from the date of taking such a decision.



7. With the aforesaid observations/ directions, the I.A. stands disposed of.
8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 03-Dec-2024 14:54:58

