

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(O.A.) No.301 of 2010

Debadhi Charan Sahu

.... ***Petitioner***
Mr. Manas Pati, Advocate

-versus-

State of Orissa and others

.... ***Opposite Parties***

Mr. R.N. Mishra, AGA for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
07.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. The present writ petition arises out of O.A. No.301 of 2010, which was initially filed before the Orissa Administrative Tribunal, Principal Bench, Bhubaneswar and subsequently on being transferred the same has been re-registered as W.P.(C)(O.A.). The present writ petition has been filed by the Petitioner claiming regularization of his services and consequential service benefits arising out of such regularization. However, in the meantime, the Petitioner has already retired from service after attaining the age of superannuation, therefore the relief sought for in the present writ petition is confined to pensionary and monetary benefits accruing to the Petitioner. Learned counsel for the Petitioner has relied upon two orders of this Court in the case of ***Bandhua Gochhayat vs. State of Odisha & others (WPC(OAC) No.864 of 2018, disposed of on 17.12.2021)*** and in the case of ***Laxmidhar Mahapatra vs. Principal***

Secy. to Govt., Water Resources Deptt. & Ors. (in WPC(OA) No.1490 of 2008, disposed of on 18.01.2022).

3. Mr. R.N.Mishra, learned Additional Government Advocate for State submits that the judgment/order relied on by the Petitioner are later development, i.e. prior to filing of the counter affidavit. He, therefore, submits that the Petitioner may be asked to approach the Appropriate Authority afresh with copies of the aforesaid judgment/order passed by this Court, whereupon the Authority shall consider the same in accordance with law.

4. Mr. Mishra relying on the counter affidavit further submits that the Petitioner being a regular subscriber of EPF Scheme under “EPF and MP Act, 1952” (as governed in Orissa Work Charged Employees Appointment and Conditions of Service Instructions, 1974) is entitled to enjoy pensionary benefits under the Scheme under “and in fact under 1974 instruction Gratuity amounting to Rs.2,47,970/- has been disbursed to the Petitioner.

5. It is further clarified that this Court at this stage has not expressed any opinion on the contentions raised by Mr. R.N. Mishra, learned AGA. It is open to the Authorities to consider such aspect. It is further submitted by learned counsel for the Petitioner that the land of the Petitioner having been acquired for Rengali Dam Project Phase-I, he was appointed as a work-charged employee in the very same project as a land loser.

6. Having heard learned counsel for the parties, this Court disposes of the writ petition with a direction to the Petitioner to submit a fresh representation taking all the grounds available to him in law along with copies of the judgment/order in the above two

cases. In the event the same are filed within a period of two weeks hence, the Authority shall consider and dispose of the representation of the Petitioner by passing a speaking and reasoned order within a period of four weeks from the date of filing of the same. The decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within a period of ten days thereafter. It is further made clear that this Court has not expressed any opinion on the merits of the case.

7. With the aforesaid direction, the writ petition stands disposed of.

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

