

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No.1064 of 2018

Satyabadi Samal

Petitioner

....
Mr. Ranjit Mohanty, Advocate

-versus-

State of Odisha and others

....
Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

12.04.2022

Order No.

01. 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. The present original application has been filed with the following prayer:

“In view of the facts mentioned in the foregoing paragraphs, the applicant prays for the following relief(s):-

- (i) The Hon’ble Tribunal be pleased to direct the respondents to consider the case of the applicant for regularization of this services by way of absorption against the sanctioned post in which he has been continuing for last 24 years ad accordingly he may be given all service benefits including the financial benefits on such basis as has been extended to his juniors; and
- (ii) The Hon’ble Tribunal be pleased to pass such other order/orders as is deemed fit and proper under the facts and circumstances of the case.”

4. It is submitted by learned counsel for the Petitioner that pursuant to order dated 08.06.2007, the Director, Sports & Youth Services Department, Orissa, Bhubaneswar, Opposite Party No.2 wrote a letter to the Commissioner-cum-Secretary to Govt. Sports & Youth Service Deptt, Orissa, Opposite Party No.1 on the subject of Regulation of the services of persons engaged on adhoc basis against sanctioned post. It is further submitted by learned counsel for the Petitioner that 17 persons have been engaged on adhoc basis against different category of sanctioned post in exigencies of the requirement of their services since long. They have been continuing adhoc basis on engagement for 44 days with one day gap. Accordingly, the Govt. in Administrative Deptt, vide their letter No.2189, dated 6.7.2001 issued instruction not to disengage these persons without prior permission of Govt. The continuance of these persons against regular sanctioned post is absolutely essential for smooth functioning of the Directorate as well as the Sports Infrastructure. A list attached to the writ petition, vide Annexure-3 reveals that Petitioner's name was at Serial No.7 as against the post of Peon, whose date of appointment was 22.4.1994. It is submitted by learned counsel for the Petitioner that the persons who are appearing at Serial Nos.8, 9 & 10 (namely, Raghunath Behera, Dharendra Kumar Dash and Jatindra Patnaik) joined in duty on 7.7.1995, 24.2.1996 & 28.06.2001 respectively, have been regularized in service and they have been given all service benefits, as appears from Annexure-5 series of the writ petition. Learned counsel for the Petitioner further submits that their services have been regularized pursuant to the direction of the Finance Department and they have been regularized against sanctioned posts. It is

submitted by the Petitioner that although Petitioner's name find place above these persons, but his case was not considered by the Government even though he has been working since 22.04.1994. It is further submitted in view of such irregularity, Petitioner prayed that his case may be considered for regularization and for all service benefits at par with the employees named hereinabove.

5. Learned counsel for the State does not dispute the fact that three persons have been regularized pursuant to the order of the Finance Department. He further submits that Authority should have considered the case of the Petitioner before taking into consideration the case of persons, who have been regularized and submits that the Court may direct the Authority to consider the case of the Petitioner within a stipulated period of time in accordance with law.

6. Considering the submissions made by rival parties as well as taking into consideration the fact and circumstances of the case, this Court directs the Opposite Party No.2 shall do well to regularize the service of the Petitioner at par with the persons, who have been regularized, in accordance with law within a period of three months from the date of production of certified copy of this order.

7. With the above direction, the Writ Petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge