

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.1629 of 2018

Manoja Kumar Nayak

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.09.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. K.C. Pradhan, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.

3. The Petitioner has filed the present writ Petition with the following prayer:-

*“In view of the fact mentioned in para-6 above, the applicant prays for the following relief:*

- i) *To direct the Respondents to regularize the services of the applicant as Ophthalmic Assistant within a stipulated period;*
- ii) *To direct the Respondents to regularize the applicant as per Government guideline after six years of completion of contractual service and all service benefits;*
- iii) *To quash the guideline under Anneure-7 of the Govt. of Orissa Health and Family Welfare Department;*
- iv) *To pass such other order/orders as deemed fit and proper.”*

4. It is submitted that the Petitioner was initially appointed on contractual basis as an Ophthalmic Assistant vide order dtd.24.09.1997 under Annexure-3.

5. Mr. Pradhan further submitted that while continuing as such vide order dtd.04.02.2003 when the Petitioner was retrenched from his service the same was challenged before the learned Tribunal in O.A. No.2130 of 2010. It is further submitted that pursuant to the order passed by the learned Tribunal the Petitioner was again appointed on contractual basis as a Paramedical Ophthalmic Assistant vide order dtd.24.09.2010 under Annexure-6.

6. Learned counsel for the Petitioner submitted that even though the Petitioner is continuing pursuant to such reengagement on contractual basis since 24.09.2010, the Opp. Parties are not taking any step by absorbing him in the regular establishment in terms of the resolution issued by the G.A. Department on 17.09.2013 and 16.01.2014. It is also submitted that the claim of the Petitioner is covered by a decision of this Court rendered in the case of ***Patitapaban Duttadas Vs. State of Odisha*** (W.P.(C) No.19951 of 2020 disposed of on 09.09.2021).

7. In view of such submission this Court while disposing the writ Petition, directs O.P. No. 1 to take a decision on the Petitioner's claim for absorption in the regular establishment in the light of the resolution issued by the G.A. Department on 17.09.2013 and 16.01.2014 and the decision passed by this Court in the aforesaid case. The entire exercise as directed be completed within a period of three (3) months from the date of receipt of this order with intimation to the Petitioner.

8. The writ Petition is disposed of accordingly.

**(Biraja Prasanna Satapathy)**  
**Judge**