

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 881 of 2018

Jadunath Mallick

.....

Petitioner

Ms. B. Pattnaik, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

15.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Ms. B. Pattnaik, learned counsel for the petitioner and learned State Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize his service taking into account his continuous service of more than 18 years, as has been done in favour of the other similarly situated persons, as per Government Circular, and in terms of the principle decided in ***Secretary State of Karnataka and Others v. Umadevi (3) and Others***, (2006) 4 SCC 1 and in ***State of Karnataka & others Vrs. M.L. Kesari & others*** involving SLP(C) No.15774/2006.

4. Learned counsel for the petitioner submits that the petitioner was appointed as Driver on contractual basis. He has already rendered more than 18 years of service under the opposite parties and therefore, seeks for regularization of service in view of the judgment passed by the Hon'ble apex Court in ***Secretary State of Karnataka and others v. Umadevi (3) and others***, (2006) 4 SCC 1 and in ***State of Karnataka & others Vrs. M.L. Kesari & others*** involving SLP(C) No.15774/2006.

5. Considering the contentions raised by the learned counsel for the petitioner and after going through the records, it appears that the petitioner has rendered service for more than 18 years as Driver on contractual basis. Therefore, the case of the petitioner is squarely covered by the ratio decided in the cases cited supra. In that view of the matter, this Court

disposes of this Writ Petition directing the opposite parties to consider the case of the petitioner and regularize his service keeping in view the judgment in the case of *Secretary State of Karnataka and others v. Umadevi (3) and others*, (2006) 4 SCC 1 and in *State of Karnataka & others Vrs. M.L. Kesari & others* involving SLP(C) No.15774/2006 and also the resolution of the G.A. Department dated 17.09.2013, within a period of four months from the date of communication of certified copy of this order by the petitioner and grant consequential service benefits, as due and admissible to him.

6. It is further directed that in the event the petitioner is still continuing in his service, status quo as on today in respect of the services of the petitioner shall be maintained till a decision is taken in the matter by the opposite parties in terms of the above direction.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

