

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2890 of 2018

Mandar Rout

.....

Petitioner

Mr. L. Samal, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. N. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.09.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize his service for one day for the purpose of allowing pension and pensionary benefits in his favour, as has been extended in favour of similarly situated employees.

4. Mr. Samal, learned counsel for the petitioner contended that similarly situated persons had approached the Orissa Administrative Tribunal in O.A. No. 12513 (C) and O.A. No. 2348 (C) of 2009, which were disposed of on 11.06.2009 and 18.06.2018 respectively. Challenging the said orders, the State has preferred W.P.(C) No. 27950 of 2019 and WP.(C) No.19550 of 2011 which were disposed of on 03.02.2021 confirming the orders passed by the Tribunal, thereby there is a direction from this Court that the Petitioners therein should be treated to have been regularized in service at least one day prior to their superannuation, by creating supernumerary post, if necessary and accordingly, they shall be extended with the pensionary benefits as would be admissible to them. It is contended that in view of the orders passed by this Court, the Petitioner being on the same footing, is entitled to get the benefit of the said order. Accordingly, this writ petition may be disposed of in the light of the order dated 03.02.2021 passed by this Court as the said order has not been

Challenged before the apex Court till date.

5. Considering the limited nature of grievance of the Petitioner, this writ petition stands disposed of directing the Opposite Parties to consider the grievance of the Petitioner in the light of the orders passed in W.P.(C) No.27950 of 2019 and W.P.(C) No. 19550 of 2011 disposed of on 03.02.2021 and pass appropriate order in accordance with law and extend the benefits to the Petitioner, if the petitioner is otherwise eligible pursuant to the said order as expeditiously as possible within a period of four months from the date of communication of this order.

6. Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI, J.)

