

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) NO.1721 OF 2015

Satrughna Behera & ors.

.... Petitioners

Mr.M.K.Mishra, Sr.Adv.

-versus-

State of Odisha & ors.

.... Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
14.9.2022**

Order No.

03.

1. Heard learned counsel for the Parties.
2. Today in hearing of a similar case bearing WPC(OAC) No.403/2015, this Court has already declined the retrospective termination of the Petitioners involved therein as bad and directed to treat the Petitioners to be continuing in service with further direction for considering the case of the Petitioners involved therein in the light of their own Resolution and the Tribunal direction, vide Annexure-7 in regularizing the services of similar situated persons.
3. Principle decided in WPC(OAC) 403 of 2015 also applies to the case at hand. This Court however finds, there is slight difference between the two cases, such as in the case at hand, in spite of communication of disengagement order, the Petitioners are allowed to continue in service, where as in the other Writ Petition, Petitioners

suffer disengagement and no protection was available in the pendency of the litigation. This Court, therefore, finds, the disengagement order has not been given effect to so far as these Petitioners are concerned. It is here while setting aside the disengagement order, recording the continuation of the Petitioners in service all through and looking to the second prayer involved herein for there is already direction in the recording of the Resolution of the Government to regularize such persons on their completing six years of service, this Court finds, all these Petitioners since have already completed six years of service, order, as appropriate, shall be passed and communicated to the Petitioners in regularizing them from the date of their counterparts in any of the districts have been regularized. As a consequence of passing the regularisation order from the date of similarly situated persons, who were eligible, consequential financial relief shall be calculated and released in favour of the present Petitioners. Working out of both the decisions shall be made within two months from the date of communication of this order by the Petitioners.

4. The Writ Petition thus stands disposed of in the light of decision taken today in WPC(OAC) No.403 of 2015.

(Biswanath Rath)
Judge

M.K.Rout