

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.2866 of 2015

Ekadashee Mallik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
04.07.2022

Order No

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) Quash Annex-III of the Advertisement dt.9.9.2015 in respect of filling up 47 posts of Amin in Keonjhar District issued by the Respondent No.4 under Annexure-6 of the O.A.

(ii) Quash the order of disengagement of the applicant under Annexure-5 with all service and financial benefits and allow the applicant to continue in the post of Amin on contract basis till regularization under the Collector, Keonjhar.

(iii) Direct the Govt./ Respondent to absorb / regularize the applicant in the post of Amin on regular basis in Keonjhar District.

(iv) Pass any other order/(s) as deemed fit and proper in favour of the applicant”.

4. It is submitted that though the Writ Petition was filed seeking cancellation of the advertisement issued on 9.9.2015 to fill up 47 posts of Amin in Keonjhar District, but it is submitted that pursuant to the order of engagement issued in his favour under Annexure-3, the Petitioner is continuing as a Contractual Amin till date in the establishment of Collector, Keonjhar. The said fact is also indicated in the rejoinder filed by the Petitioner on 23.12.2021.

5. It is submitted that since from the initial engagement as a contractual Amin, the Petitioner is continuing till date, his claim for absorption in the regular establishment is covered by the resolution issued by G.A. Department on 17.09.2013 and the decision of this Court rendered in W.P.(C) No.19951 of 2020 (*Patitapaban Dutta Dash and Others vs. State of Odisha & Others*).

6. Mr. Balabantaray, on the other hand submitted that the Petitioner since was engaged under the scheme after closure of the said scheme, the Petitioner is not in service.

7. Be that as it may, since it is submitted that the Petitioner is continuing till date from the initial date of his engagement, the Opposite Party No.3 is directed to take a decision on the claim of the Petitioner for his absorption in the regular establishment in the light of the decision taken by the G.A. Department on 17.09.2013 and the decision of this Court in the aforesaid case.

8. Petitioner is permitted to approach the Collector, Keonjhar-Opposite Party No.2 along with copy of this order. On receipt of the order, the Opposite Party No.2 is directed to take a decision as indicated hereinabove within a period of three months from the date of receipt of this order.

9. However, it is observed that this Court has not expressed any opinion on the merits of the case.

10. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

