

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27514 of 2022

Santosh Kumar Pal

....

Petitioner

Mr.Pravash Ch.Jena, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.B.P.Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The Petitioner has filed the present writ application with the following prayer:

“ It is therefore, prayed that let this Hon’ble may be graciously pleased to admit this writ application, issue Rule Nisi calling upon the Opposite Parties to show cause as to why the service of the Petitioner shall not be made regularise for the post of driver w.e.f. 15.12.2009 and to make payment of his entire arrear and current financial benefit with immediate effect.

A N D

If the Opposite Parties are failed to show cause or show their insufficient cause let this Hon’ble Court make the said rule absolute and upon hearing of the parties direction may kindly be issued to the opposite Parties for regularize the service of the Petitioner for the post of Driver w.e.f. 15.12.2009 while providing his all other financial benefit both arrear and current from such date with immediate effect for the

greater interest of justice.

And pass any other order/orders, writ/writs, direction/directions, as this Hon'ble Court deems fit and proper in the eye of law.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is serving as a driver since 09.07.2008 under Opposite party No.3. It is also submitted by the learned counsel for the Petitioner that although the Petitioner was working almost for a period of 14 years, his service has not been regularised. Further, it is contended that the Petitioner is continuing in service at the moment. In support of his contention, learned counsel for the Petitioner has relied upon Annexure-9. It is further submitted by the learned counsel for the Petitioner that no step has been taken by the Opposite Parties to regularize the service of the Petitioner.

5. On the other hand, learned Additional Government Advocate submits that the Petitioner without approaching the Departmental Authority rushed to this Court. Therefore, he submits that the Petitioner shall approach the Departmental Authority who shall consider the same in accordance with law.

5. In such view of the matter, the writ application is disposed of at the stage of admission directing the Petitioner to file a detail representation within two weeks from today before the Deputy Director, Horticulture, Nayagarh, Opposite Party No.3 along with all supporting documents. In the event such representation is filed, the same shall be disposed of taking into consideration the judgment delivered by this Court in **State of Karnataka-v.-Umadevi, 2006 (4) SCC 1** and **State of Karnataka & others –v.-M.L.Keshari & others 2010(II) OLR (SC) 982** and dispose of the same within two months from the date of filing representation. It is further made clear that the Petitioner shall not be disengaged for a period of three

months.

6. With the aforesaid observation, the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

