

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.1948 of 2015

Bhobana Swain **Petitioner**

-versus-

State of Odisha & Ors. **Opposite Parties**

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
24.06.2022**

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Mohapatra, learned counsel for the Petitioner and Mr. Sharma, learned AGA appearing for the State-Opp. Parties.
3. The Petitioner has filed the present writ Petition with the following prayer:-

“In view of the facts mentioned in paragraph 6 above, the applicant prays for following relief(s):

The Hon’ble Tribunal graciously be pleased to direct the Respondents in general and Respondent No.3 in particular to quash the retrenchment Notice dt.1.7.2015 of the DDH, Puri range, Sakhigopal with one month Notice violates directly Sec-19(4) of AT Act, 1985 and Sec-25-F of I.D. Act, 1947 and allow him to continue with regular absorption with regular vacancy in Group-D post with all service and financial benefits,

AND

Further be pleased to direct the Respondents in general and the DDH, Puri, Sakhigopal in particular to absorb/regularize the service of applicant as per Finance Department Circular dt. 15.05.1997, having continuing more than 10 years,

AND

Further be pleased to pass any other order(s)/ direction(s) as deems fit and proper in the facts and circumstances of the case.”

4. Counter has been filed by the Deputy Director of Horticulture, Puri Range, wherein it has been indicated that the claim of the Petitioner has been submitted before the Director of Horticulture, Odisha, Bhubaneswar vide Office letter No.309 dtd.01.02.2014 with a request to grant temporary status and to absorb the Petitioner as against a regular Group-D post.

5. It is submitted that in spite of such recommendation, no decision has been taken by O.P. No. 2.

6. In view of the stand taken in the counter, this Court directs O.P. No. 2 to take a decision on the recommendation made by the Deputy Director of Horticulture, Puri Range on 01.02.2014 within a period of three (3) months, if no decision has been taken in the meantime. It is observed that this Court has not expressed any opinion on the merits of this case.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha