

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.2489 of 2015

Subash Chandra Behera

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Petitioner

-versus-

State of Odisha & Ors.

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Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

23.08.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. The writ Petition involves the following prayer:-

“In view of the fact mentioned in para-6 above, the applicant prays for the following relief:-

1) *Direct the State/Respondents to bring over the applicant from W/c Estt. To Regular Estt. And absorb him in any post on the date applicant completed five years continuous service in W/C Estt. And extend all service and financial as well as pension and pensionary benefits to the applicant as per F.D. Resolution/O.M. under Anx.3 & 4.*

2) *Pass such other orders/directions as may be deemed fit and proper in the bonafide interest of justice.”*

4. In course of argument, it is not disputed by both sides that several similar matters having been disposed of by the Tribunal and such orders being challenged in High Court have come to be confirmed by this Court. As a matter of example, learned counsel for the

Petitioner produces two copies of the orders of this Court passed in O.J.C. No. 12017 of 2000 and W.P.(C) No.27950 of 2019 disclosing therein two Division Bench at different points of time have come to confirm the direction of the Tribunal making even a person in retired while continuing in Work-Charge Establishment entitled to pensionary benefit even taking into consideration the resolution of the Government. There is no denial to such development.

5. Undisputedly present Petitioner is still working in Work Charge Establishment. Considering the position of law involving the issue being settled in the High Court even involving superannuated employees, this Court in disposal of the writ Petition directs the Competent Authority to bring the Petitioner to the regular Establishment considering that he has already completed five years of service in Work-Charge Department and make him entitled to the benefit under the Circular under Annexure-3 & 4. Entire action by the Competent Authority to bring the Petitioner under regular Establishment will be completed within a period of three months from the date of communicated of this order.

6. With the above direction, the writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha