

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.C(OA) No.3305 of 2015**

**Tuku Dalai**

....

**Petitioner**

*-versus-*

**State of Odisha & others**

....

**Opposite Parties**

**COROM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**Order No**

**ORDER**

**6.7.2022**

1. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

*“ Direct the State-Respondents to bring over the applicant from Work-charged establishment to regular Estt. And absorb him in any post on the date application completed five years continuous service in W/C Estt. and extend all service and financial as well as pension & pensionary benefits to the applicant as per Finance Deptt. Resolution & Office Memorandum under Annx.3 & 4.*

3. 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.

**4.** Undisputedly present Petitioner is still working in Work1Charge 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 communication of this order.

**5.** With the above direction, the Writ Petition stands disposed of.

**(Biraja Prasanna Satapathy)**  
**Judge**

sangita