

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C(OAC) No.2756 of 2014

Sachidananda Mohanty

....

Petitioner(s)

Mr.S.C.Samal,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
25.03.2022

Order No.
06.

1. Heard learned counsel for the Parties.
2. The Original Application involves a challenge to order at Annexure-3. It is alleged that even though the contesting opposite parties through their counter affidavit to the petitioner claim in the Original Application have admitted that Sachidananda Mohanty, petitioner, was working as NMR Second Class Fitter Mistri and stood at Serial No.14 of the skilled labour category/NMR/DLR workers of the division, but in passing the order at Annexure-3 even after bringing the petitioner to the status of regularization but in work charge establishment with particular scale of pay, petitioner has been posted as a Chowkidar. It is on the premises that the original appointment of the petitioner being in technical side and allowed to continue as Second Class Filter Mistri, it is claimed that in no circumstances the petitioner could have been treated as a Chowkidar in the establishment in sacrificing his entire qualification. This Court finds force in the

submission of the petitioner being established through the position of the petitioner admitted by the department through their counter affidavit through Para-2 at Page-15 of the brief, and the allegation that the petitioner has been posted as Chowkidar also established through Annexure-3.

3. For the concrete material establishing initial recruitment of the petitioner and allowing him to continue as NMR Second Class Fitter Mistri by the time, the petitioner has been regularized vide Annexure-3, this Court finds the petitioner being brought to work charge establishment the status in working should have been looked into and maintained. There is definite disturbing of the petitioner in his posting as Chowkidar even having technical qualification in his hand and utilizing his service accordingly allthrough. In the process this Court interferes in the order at Annexure-3 setting aside the same, this Court directs the opposite parties to make necessary correction in the position of the petitioner by issuing a fresh order bringing the petitioner to regularize status in working charge establishment from the date the Annexure-3 was issued.

4. As a result petitioner will also be entitled consequential benefit, if any. The entire exercise be concluded within a period of one and half months from the date of communication of the order by either side.

5. Accordingly the WPC(OAC) stands disposed of.

(Biswanath Rath)
Judge