

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.1746 of 2014

S.K.Nausad

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.3.2022

Order No

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. M. Pratap, learned counsel for the Petitioner and Mr. Praharaj, learned counsel for the State- Opposite Parties.

3. This Writ Petition has been filed by the Petitioner with a prayer to direct the Opposite Parties to regularize the services of the Petitioner with all service and financial benefits.

4. It is submitted by Mr. Pratap, learned counsel for the Petitioner that the Petitioner was engaged as a Light Vehicle Driver on NMR basis in the establishment of Opposite Party No.6 w.e.f. 20.12.1982 and in the work-charged establishment vide order dated 29.10.2009 under Annexure-2.

5. It is further submitted by the learned counsel for the Petitioner that in view of the long continuance of the Petitioner as a NMR and as a work-charged employee w.e.f. 20.12.1982, the Petitioner is otherwise eligible and entitled for his absorption in the regular establishment. In support of such assertion, learned counsel for the Petitioner

brought to the notice of this Court, the decision of the Hon'ble Apex Court rendered in the case of **Secretary, State of Karnataka vs. Uma Devi (3)**, (2006) 4 SCC-1, **State of Karnatak vs. M.L.Keshari**, (2010) 9 SCC 247, **Nihal Singh & Others vs. State of Punjab & Others**, 2013 (14) SCC 65 and **Amarkant Rai vs. State of Bihar & Others**, 2015 (8) SCC 265.

6. Mr. Pratap, learned counsel for the Petitioner accordingly prayed for interference of this Court and for a direction on the Opposite Parties to regularize the services of the Petitioner as the said claim is squarely covered by the aforesaid decisions of the Hon'ble Apex Court.

7. It is also further submitted by the learned counsel for the Petitioner that while the Petitioner is yet to be absorbed in the regular establishment, but persons engaged subsequent to him have been regularized in the meantime.

8. Mr. Praharaj, learned counsel for the State-Opposite Parties based his submission taking into account the grounds taken in the counter filed by Opposite Party No.6.

9. It is submitted by Mr. Praharaj that basing on the policy decision of the State, the Petitioner was brought over to the work-charged establishment and he will be regularized in due course of time.

10. Accordingly, Mr. Praharaj, learned counsel for the State prayed for no interference by this Court in the Writ Petition.

11. Having heard learned counsel for the Parties and taking into account the decision relied on by the learned counsel for the Petitioner and the period of service rendered by the Petitioner as a NMR and the work-charged establishment, this Court deems it fit and proper to direct the Opposite Parties to take effective steps on the question of regularization of the services of the Petitioner by following the direction of the Hon'ble Apex Court as cited (supra). This Court further directs the Opposite Parties to complete the entire exercise within a period of three months from the date of production of the certified copy of this order.

12. With the aforesaid observation and direction the Writ Petition (OAC) is disposed of.

13. Issue urgent certified copy of the order as per rules.

(Biraja Prasanna Satapathy)
Judge

Subrat