

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3934 of 2014

Manoj Kumar Das

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
14.11.2022

Order No

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Routray, learned counsel for the Petitioner and Mr. D.K. Mohanty, learned ASC appearing for the Opp. Parties.
3. Additional affidavit filed in Court be kept on record.
4. The present writ Petition has been filed with the following prayer:-

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

(i) Admit and allow the Original Application;

(ii) Call for the records;

(iii) Under the above circumstances, it is humbly prayed that the Original Application may be admitted and the impugned orders 09.10.2014 under Annexure-10 may be quashed/set aside and the applicant may be allowed to continue as Assistant Librarian with all consequential service benefits;

(iv) Respondents may be directed to regularize the service of the applicant against the post of Assistant Librarian at least from the date such post is available in the aforesaid College;

(v) And may pass such order/orders as this Hon'ble Tribunal as deem fit and proper in the interest of justice;"

5. It is submitted that during continuance of the Petitioner as a Chowkidar in the establishment of Opp. Party No. 5 w.e.f.04.06.2003 vide Annexure-5, when steps were taken to fill up the said post by making the requisition to Odisha Staff Selection Commission under Annexure-10, the present writ Petition was filed with the aforesaid prayer.

6. It is submitted that the Petitioner was not only allowed to continue w.e.f. 04.06.2003 but also he fulfills the eligibility for his appointment to the post of Assistant Librarian/Junior Librarian. But the Authorities without considering the same made the requisition under Annexure-10, which is impugned herein.

7. Mr. Routray, learned counsel for the Petitioner also submitted that vide different communications though the Govt. as well as the O.P. No. 3 were moved to take a decision on the claim of the Petitioner for his absorption against the post of Assistant Librarian/Junior Librarian, but no decision was taken. Not only that during pendency of the matter basing on the communication issued by O.P. No. 5 on 26.04.2019, the matter with regard to consideration of the grievance of the Petitioner, is pending consideration before the Opp. Party No. 3.

8. Mr. Mohanty, learned ASC on the other hand submitted that subsequent to issuance of Annexure-10 when OSSC expressed its inability to conduct the recruitment test in absence of any cadre rule governing the field, no further step has been taken to fill up the post in question. However, in view of the interim order passed by the

learned Tribunal on 23.12.2014 the Petitioner is continuing as against the post of Chowkidar till date.

9. Having heard learned counsel for the Parties and taking into account the development that has taken place in the meantime, this Court directs the Opp. Party No.3 to take a lawful decision on the Petitioner's claim for his absorption as against the post of Assistant Librarian/Junior Librarian in the college of Opp. Party No. 5 within a period of three (3) months from the date of receipt of this order. The decision so taken be communicated to the Petitioner within that time. Till a decision is taken by the Opp. Party No. 3, the interim order passed by the learned Tribunal on 23.12.2014 shall continue.

10. The writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

