

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.1886 of 2014

Surendra Charcha

.... Petitioner

-versus-

State of Odisha & Others

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
20.10.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Nayak, learned counsel appearing on behalf of Mr. R.B.Mohapatra, learned counsel for the Petitioner and Mr. Y.S.P.Babu, learned Addl. Government Advocate for the State-Opposite Parties.
3. The Petitioner has filed the present Writ Petition challenging the order dated 17.05.2014 passed by the Tahasildar, Baliguda - Opposite Party No.5 under Annexure- 10.
4. Learned counsel for the Petitioner submitted that without considering the direction issued by the learned Tribunal in its order dated 31.03.2014 in O.A No.3281 / 2011, the impugned order at Annexure-10 was passed by the Tahasildar, Baliguda.
5. Learned counsel for the Petitioner also submitted that while passing such an order, the Opposite Party No.5 has not taken into consideration the continuance of similarly situated persons, who have been re-engaged in the meantime.

6. Mr.Y.S.P.Babu, learned Addl. Government for the State on the other hand submitted that learned Tribunal while disposing the matter observed that the case of the Petitioner will be considered as and when vacancy for engagement of Job Contract Employee will arise in future.

7. It is further submitted that Opposite Party No.5 basing on the said order has passed the order at Annexure-10, and as such no illegality has been committed.

8. This Court after going through the order passed by the learned Tribunal and the order passed under Annexure-10 finds that Opposite Party No.5 has passed the order strictly in accordance with the order passed by the learned Tribunal and this Court finds no illegality or irregularity in the same.

9. However, taking into account the submission made by Mr. Nayak, learned counsel for the Petitioner that similarly situated persons have been re-engaged in the meantime as against the available vacancies, it is observed that if the Petitioner will make an application before the Opposite Party No.5 seeking his re-engagement, Opposite Party No.5 shall take a lawful decision on the same taking into account the vacancy available if any. The said exercise shall be completed within a period of three months from the date of receipt of any such application on behalf of the Petitioner.

10. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge