

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28197 of 2022

Bharat Naik and others

Petitioners
Mr. R.N. Nayak, Advocate

-versus-

State of Odisha & Others

Opp. Parties
Mr. B.P. Tripathy, AGA

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
21.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Additional Government Advocate appearing for the State-Opposite Parties.
3. This writ petition has been filed by the Petitioners seeking a direction to the Opposite Parties to regularize their services from the date of completion of 6 year of their uninterrupted continuous service on contractual basis in the post of Sweepers within a stipulated period.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are working as a Sweeper under the Superintendent Sardar Vallabhbhai Patel Post Graduate Institute of Paediatrics, Cuttack. It is further submitted that the Petitioners having rendered services as Sweeper continuously for more than 17 years, but despite their approach to the authorities on several occasions, their services has not been regularize in the meantime.
5. Learned Additional Government Advocate appearing for the

State-Opposite Parties, on the other hand, submits that let the Petitioner approach the authority first and the authority be directed to consider their case in the light of the law on the subject within a stipulated period of time.

6. Considering such submission and without expressing any opinion on the merit of the case, this Court disposes of this writ petition at the stage of admission by directing the Petitioners to file a detailed representation taking all the grounds available to them along with the supporting documents before the Opposite Party No.2-the Superintendent, Sardar Vallabh Bhai Patel, PGIP, Cuttack within a period of three weeks from today and in the event such representation is filed, the same shall be considered and disposed of by a speaking and reasoned order keeping in view the law laid down by the Hon'ble Supreme Court in the cases of *Secretary, State of Karnataka -v.- Uma Devi, reported in (2006) 4 SCC 1* and *State of Karnataka -v.- M.L. Kesari, reported in (2010) 9 SCC 247* as well as the judgment rendered by this Court in case of *Basanta Kumar Barik -v.- State of Odisha and others* (WPC(OA) No.616 of 2017 decided on 26.11.2021) within a period of eight weeks from the date of presentation of representation and the decision so taken thereof shall be intimated to the Petitioners within two weeks thereafter. Petitioners are directed to supply copies of the above noted judgments to the authority along with their representation.

7. With the aforesaid observations and directions, the writ petition stands disposed of.

(**A.K. Mohapatra**)
Judge