

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) Nos.1895, 1896 & 1897 of 2016

WPC(OAC) No.1895 of 2016

Tankadhar Biswal

...

Petitioner

-versus-

State of Odisha & Others ...

Opposite Parties

WPC(OAC) No.1896 of 2016

Sabyasachi Sahu

...

Petitioner

-versus-

State of Odisha & Others ...

Opposite Parties

-AND-

WPC(OAC) No.1897 of 2016

Himanshu Barik

...

Petitioner

-versus-

State of Odisha & Others ...

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.08.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement
(Virtual / Physical) Mode.

2. Heard Mr. B.K.Mohanty, learned counsel for the Petitioners and Mr. Y.S.P.Babu, learned Addl. Government Advocate for the State.

3. Since common question is involved in these writ petitions, all are heard analogously and disposed of by this common order.

4. All these Writ Petitions have been filed with the following prayer:-

“Admit the Original Application, after hearing the counsels for the parties allow the original application and quash the impugned advertisement dated 20.04.2016 of the Respondent No.4 and further direct the Respondents more particularly Respondent No.4 to regularize his service within such period as deemed just and proper by this Hon’ble Tribunal.

And / Or

In the alternative direct the Respondent No.4 to give priority and weight-age to the applicant for the post of MPHWM taking into consideration of the applicant’s past service and experience.

And / Or

Pass such other order / orders as may be deemed just and proper in the facts and circumstances of the case”.

5. It is submitted that pursuant to the order dated 27.08.2011 issued by the C.D.M.O, Bargarh-Opposite Party No.4, the Petitioners were engaged as Multi Purpose Health Worker(M) on contractual basis.

6. It is submitted that without taking steps for their absorption in the regular establishment, when an advertisement was issued by the said Opposite Party No.4 on 29.04.2016 under Annexure-6 inviting application to fill up the post on contractual basis without considering the

case of the Petitioners for their absorption in the regular establishment, the present writ petitions have been filed.

7. This Court while issuing notice of the matter passed an interim order that no coercive action be taken against the Petitioners.

8. It is submitted that from the initial engagement pursuant to the order dated 27.08.2011, the petitioners are continuing on contractual basis as MPHWM).

9. It is submitted that in view of such long continuance on contractual basis, the petitioners are eligible and entitled for absorption in the regular establishment in view of the resolution issued by the G.A. Department on 17.09.2013 and 16.01.2014.

10. It is also submitted that the claim of the Petitioner for their absorption in the regular establishment is squarely covered by the decision of this Court in the case of **(Patitapaban Dutta Dash and Others vs. State of Odisha & Others)** in W.P.(C) No.19951 of 2020. In spite of notice issued on 27.06.2016, no counter affidavit has been filed by the opposite parties.

11. However, taking into account the submission made by Mr. Mohanty, the Writ Petitions are disposed of with a direction on the Opposite Party No.4 to consider the case of the Petitioners for their absorption in the regular establishment in terms of the resolution issued by the G.A. Department and the decision of this court as cited (supra). The said exercise shall be completed within a period of four months from the date of receipt of this order. Till such a decision is taken, the interim order passed by this Court on 27.06.2016 shall continue.

12. The Writ Petitions are accordingly disposed of.

13. The photocopy of the order be placed on the connected matters.

(Biraja Prasanna Satapathy)
Judge

Subrat

