

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.288 of 2015

Prabir Kumar Nayak

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN

ORDER

Order No.

02.05.2022

- 01.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Original Application No.288 (C) of 2015 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC(OAC) No.288 of 2015.
- 3.** The Petitioner was engaged as Multi Purpose Health Worker (Male) on contractual basis w.e.f 11.10.2006 at CHC, Chandrapur and repositioned to CHC Gudari. The Petitioner has challenged the order dated 26.12.2013 passed by the Chief District Medical Officer, Rayagada, whereby he was terminated from contractual engagement w.e.f. 17.11.2013 since he was in custody in connection with criminal offence. The Petitioner had approached the Tribunal not only with a prayer to quash the office order dated 26th December, 2013 but also to absorb him in regular post of Multi Purpose Health Worker in consonance with Govt. of Odisha, General Administrative Department resolution dated 17th September, 2013.

P.T.O.

4. None appears for the Petitioner at the time of call.
5. Heard Mr. L. Samantaray, learned Addl. Govt. Advocate appearing for the Opposite Parties.

A counter affidavit has come to be filed on behalf of the Opposite Parties, wherein it has been stated that the Petitioner was arrested on 17th November, 2013 in connection with offence under Sections 498-A/313/506/34, IPC read with Section 4 of the Dowry Prohibition Act vide Chandili P.S. Case No. 160 dated 14.11.2013. He remained in jail custody for more than 19 days and subsequently released on bail on 15th December, 2013. Referring to Rule 12(2) of Odisha Civil Services (Classification Control and Appeal) Rules, 1962 and Finance Department in the office memorandum No.23869/F dated 23.6.2012, learned Addl. Govt. Advocate justified the action of disengagement of the Petitioner from his service. He submits that since the contractual engagement of the Petitioner was terminated for justifiable reason, there is no question of consideration for regularization of his service. He further submits that since criminal proceeding was initiated against the Petitioner, his case was rightly not considered along with other 27 colleagues who were absorbed against the regular vacancies.

6. In view of the above facts situation, the prayer of the Petitioner cannot be acceded to and accordingly, the writ petition is dismissed.

(M.S. Raman)
Judge