

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4784 of 2016

Pramod Kumar Das

.....

Petitioner

Mr. G.S. Namtor, Adv.

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. N.K. Praharaj, Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

17.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. G.S. Namtor, learned counsel for the petitioner and Mr. N.K. Praharaj, learned Standing Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to treat his service as regular on completion of six years of his contractual engagement, i.e., from 19.04.2005 onwards and further seeks direction to the opposite parties to regularize his service within a stipulated time.

4. Mr. G.S. Namtor, learned counsel for the petitioner contended that the petitioner was working as a Lab. Technician in DHH, Keonjhar under the CDMO, Keonjhar w.e.f. 19.04.199 on contractual basis and continuing there without any break in service, awaiting his regular appointment. It is contended that the Director, Health Services, Odisha vide letter dated 18.11.2015 move the Government in Health and Family Welfare Department, Odisha to consider the case of the petitioner to be the Lab. Technician under regular establishment. It is contended that the G.A. Department, Odisha also issued Resolution dated 17.09.2013 that contractual worker is to be taken as regular on completion of six years of his contractual engagement. It is further contended that by virtue of the order dated 20.07.2016 passed in O.A. No.

4179 of 2014 (Ramesh Chandra Khamari v. State of Orissa), the benefit should have been extended by the authority in favour of the petitioner on completion of six years of his contractual service.

5. Mr. N.K. Praharaj, learned Standing Counsel appearing for the State-opposite parties disputed the contention raised by learned counsel for the petitioner and contended that the Government in G.A. Department issued resolution dated 17.09.2013 in connection with regularization of contractual employees. As per the said resolution, the contractual employees those who are appointed/engaged against the contractual posts created with the concurrence of Finance Department on abolition of the corresponding regular post or against contractual posts created with concurrence of Finance Department without abolition of any corresponding regular post in case of new offices or for strengthening of the existing offices/services under regular establishment by following the recruitment procedure prescribed for such regular posts and ORV Act then only such contractual appointment/engagement can be regularized after completion of six years of continuous service. So far as the case of the petitioner is concerned, he was not appointed against a contractual post under regular establishment of General Health Care, as per the resolution dated 17.09.2013 of the G.A. Department. Therefore, question of regularization of the petitioner does not arise.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner had never appointed against a contractual post under regular establishment of General Health Care pursuant to resolution dated 17.09.2013 of the G.A. Department. Therefore, question of regularization of his service does not arise. More so, the claim of the petitioner, in view of the order passed by the tribunal in O.A. No. 4179 of 2014

cannot sustain, as the petitioner, at no point of time, was appointed against a contractual post under regular establishment of General Health Care by following recruitment Rule and ORV Act.

7. In the above view of the matter, the relief sought by the petitioner cannot sustain in the eye of law. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

