

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OAC) No.1620 of 2015

Subrat Kumar Mallick

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.6.2022

Order No

- 1.** 1. This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for the Petitioner.
- 3.** The Petitioner has filed the present Writ Petition for the following relief.

“a. The impugned Notification under Annexure-17 may be quashed.

b. The respondents may be directed to regularize the services and allow the applicant to continue as usual till disposal of the Original Application.

c. The respondents may be directed to allow the applicant to draw the pay admissible for the post of Assistant Engineers(Now re-designated as Assistant Executive Engineers)”

- 4.** It is submitted that pursuant to the advertisement issued under Annexure-2, the petitioner was duly selected and engaged as a contractual Assistant Engineer vide order dated 28.10.2011 under Annexure-6. It is submitted that though the petitioner is continuing as a contractual Assistant Engineer in terms of the said order, but the authorities are not taking any step to absorb him in the regular establishment. In spite of absorbing the petitioner in the regular establishment when the advertisement under

Annexure-17 was issued, the present writ petition has been filed challenging the same.

5. Be that as it may, since it is submitted that the petitioner is continuing as on date as contractual Assistant Engineer for more than 10 years, Opp. Party No.2 is directed to take a decision on the question of absorption of the petitioner in the regular establishment in terms of the order passed by this Court in the case of ***Patitapabana Dutta Das Vs. State of Odisha & Others in W.P.(C) No.19951 of 2021***, disposed of on **9.9.2021**. The said Opp. party No.2 is directed to take a lawful decision on the petitioner's claim within a period of three months from the date of receipt of the order. It is further observed that while taking such a decision, the continuance of the petitioner for last so many years and the order passed by this Court in the aforesaid case be taken into consideration.

6. The Writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

sangita