

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.1846 of 2014

Krushna Mangaraj & Others

Petitioners

-versus-

State of Odisha & Others

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

30.03.2022

Order No

- 3.** 1. This matter is taken up through Hybrid Mode.
2. Heard Ms. S. Nayak, learned counsel for the Petitioners and Mr. M. Balabantaray, learned counsel for the State-Opposite Parties.
3. Vide order dated 30.03.2022 though learned counsel for the Petitioners was permitted to file written notes of submission within a week but no such written notes was filed within the time.
4. The Petitioners have filed the present Writ Petition for the following reliefs.

“(i) The applicants therefore pray that in view of above facts and circumstances, the Hon’ble Tribunal may graciously be pleased to admit this Original Application, issue notice to the Respondents and direction may be given to the Respondents to consider the case of the applicants for re-engagement as desired by the Government within a stipulated period of time.

(ii) And any other relief / relieves which are deemed fit and proper may be passed in favour of the applicant”.

- 5.** It is submitted by the learned counsel for the

Petitioners that the Petitioners while continuing as NMR in the establishment of Opposite Party No.5, they were dis-engaged without any notice. While the matter stood thus and basing on the communication issued by the Opposite Party No.2 on 26.11.2011 under Annexure-3-Series, the Petitioners have approached the Opposite Party No.2 on 25.01.2012 under Annexure-8-Series for consideration of the claim for re-engagement, but no action has been taken on the same.

6. Mr. Balabantaray, learned counsel appearing for the State-Opposite Parties submitted that since the Petitioners have left their services on their own, the prayer made for their re-engagement has rightly not been considered.

7. Be that as it may and after hearing learned counsel for the Parties, this Court is of the considered opinion that the Petitioners were all engaged as NMR for certain period prior to 12.04.1993 and in due course of time, they were dis-engaged. The letter issued by the Office of Opposite Party No.2 on 26.11.2011 indicates that there is provision for re-engagement of such retrenched work charged/NMR/DLR employees. Basing on the said communication dated 26.11.2011, the Petitioners have approached the Opposite Party No.2 under Annexure-8-Series for consideration of their case for re-engagement.

8. Since no decision has been taken on such prayer of the Petitioners, this Court directs the Opposite Party No.2 to take a lawful decision on such claim of the Petitioners as made under Annexure-8-Series within a period of three months from the date of receipt of the order. The order so

passed be also communicated to all the Petitioners individually.

9. With the aforesaid observations and directions, the WPC(OA) is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Subrat

