

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.337 of 2015

Suresh Kumar Bada

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

06.07.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Adhiraj Behera on behalf of Mr. P.K. Rath, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned Standing Counsel appearing for the Opp. Parties.
3. The Petitioner has filed the present writ Petition with the following prayer:-

“The applicant, therefore, prays that this Hon’ble Tribunal may graciously be pleased to admit this O.A., call for the records and after hearing the parties allow the same and set aside the notice of disengagement dated 09.01.2015 under Annexure-1 and direct the respondents to regularize the services of the applicant as Driver under C.D.M.O., Sundergarh within a stipulated period.

And for which act of kindness the applicant as in duty bound shall ever pray.”

4. It is submitted that the Petitioner was continuing as an ambulance driver in the establishment of O.P. No. 2 and he was disengaged from his service w.e.f.09.01.2015. It is submitted that even though vacancies are available for engagement of such ambulance driver, but O.P. No. 2 is not taking steps in the matter.

5. Mr. Balabantaray, learned Standing Counsel made his submission relying on the counter. It is submitted that Petitioner was engaged on daily wage basis and such engagement was merely temporary in nature. Therefore, no illegality has been committed in disengaging the Petitioner.

6. Heard learned counsel for the Parties. Taking into account the submission made by Mr. Behera that as on date vacancies are available in the establishment of O.P. No. 2, this Court while is not inclined to quash the order of disengagement, give liberty to the Petitioner to approach the O.P. No. 2 for his reengagement.

7. It is observed that if any such application is made within a period of two (2) weeks from today, O.P. No. 2 shall consider the same and take a decision on its own merit within a further period of two (2) months.

8. The writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha