

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.3705 of 2016

Reena Mahali

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.09.2022

Order No

3.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. B.B. Mohanty, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A appearing for the State Opposite Parties.

3. The petitioner has filed this writ petition seeking to quash the orders dated 31.8.2016 and 1.10.2016 vide Annexures-5 and 6 respectively, by which he has been given contractual appointment.

4. Mr. Mohanty, learned counsel for the petitioner contended that pursuant to the advertisement issued by the Collector, Mayurbhanj vide Annexure-1 for recruitment to the post of Junior Clerk, the petitioner applied for the same and was selected. But the Collector, Balasore vide letter dated 17.12.2013 sought instructions from the Government regarding mode of employment of the selected candidates vide Annexure-3. The Government, vide letter dated 21.01.2014, intimated the Collector, Balasore that since advertisement was issued for regular

appointment, appointment be made on regular basis instead of contractual. Accordingly, the petitioner was issued with appointment order on regular basis vide Annexure-3 dated 3.3.2014. After joining in the post, vide Annexure-5 dated 31.08.2016 a letter has been issued by the G.A. Department with regard to applicability of Odisha Contractual Appointment Rules, 2013. Pursuant to which Annexure-6 dated 1.10.2016 was issued converting the regular appointment of the petitioner to contractual appointment. As such, the said action of the authority is arbitrary, unreasonable and contrary to the provisions of law. It is contended that similar question had come up for consideration before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 4119 of 2015 and batch (Pramod Kumar Behera v. State of Orissa) disposed of on 17.11.2016, wherein the tribunal quashed the order of contractual appointment converting regular appointment in favour of the petitioners therein and directed the opposite parties to issue regular appointment in favour of the petitioners. It is thus contended that this writ petition may be disposed of in terms of the order passed by the tribunal, to which Mr. Babu, learned A.G.A appearing for the State Opposite Parties has raised no objection.

5. In the above view of the matter, the order dated 1.10.2016 under Annexure-6 is liable to be quashed and is hereby quashed. The writ petition is disposed of in terms of the order dated 17.11.2016 passed by

the tribunal in O.A. No. 4119 of 2015 and batch (Pramod Kumar Behera v. State of Orissa). The petitioner is deemed to be continuing as a regular appointee, pursuant to appointment order dated 3.3.2014 under Annexure-3, as before.

6. The writ petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

