

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.1000 of 2015

Iswar Chandra Jena

....

Petitioner

Mr. Swapnil Roy, Proxy counsel on
behalf of Mr. B.K. Nayak, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN

ORDER

20.06.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 1000 of 2015 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 1000 of 2015.
3. The Petitioner challenged the office order dated 30th May, 2014, whereby the Government has rejected the proposal submitted to bring over the Petitioner to work charged establishment in spite of the fact that he was engaged as NMR prior to 12th April, 1993 i.e., the cut-off date fixed by the Government.
4. Mr. Swapnil Roy, Proxy counsel on behalf of Mr. B.K. Nayak, counsel for the Petitioner submits that in an identical case where similar benefit has been given to the NMR employees engaged prior to 12th April, 1993 by co-ordinate Bench of this Court.
5. Heard Mr. Swapnil Roy, Proxy counsel on behalf of Mr. B.K. Nayak, counsel for the Petitioner and Mr. L. Samantaray, learned Additional Government Advocate for the Opposite Parties.

6. Counsel for the Petitioner cited the case of ***Trinath Jena Vrs. State of Odisha & Others*** in WPC (OAC) No. 1823 of 2015 disposed of vide judgment dated 21st June, 2021 reveals that this Court under identical situation has observed as follows:-

“Keeping in view the observation made hereinabove and the development bringing over the junior NMR employees to the work-charged establishment and for the Petitioner’s reinstatement into service, this Court finds, only remedy available with the Water Resources Department is to accept the proposal of the department and place the Petitioner in the work-charged establishment just above his juniors, who have already been brought to the work-charged establishment. In such view of the matter, this Court finds the order vide Annexure-9 is not sustainable in the eye of law and accordingly, interfering in the order vide Annexure-9 this Court sets aside the same and directs the Water Resources Department, Government of Odisha to treat the Petitioner to have been brought to work-charged establishment from the date his juniors have been posted in the work-charged establishment. As a consequence, Petitioner also deserves to be entitled all financial benefit accrued in the meantime along with interest the rate 6% per annum all through and the whole arrear which shall be worked-out and released in favour of the Petitioner within a period two months hence.”

7. The said judgment has also been followed in the case of ***Balahadra Behera Vrs. State of Odisha and Others*** in WPC (OAC) No. 1002 of 2015, vide order dated 23rd June, 2021.

8. Since, the case of the present Petitioner is identical in nature with that of the case of ***Trinath Jena(supra)*** and ***Balabhadra Behera (Supra)***, the present writ petition is disposed of in the light of the said judgment and order.

(M.S. Raman)
Judge