

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.1247 of 2016

Sri Madhusudan Mali

....

Petitioner

Mr. C.S. Panda, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. P.K. Mohanty, ASC

CORAM:
JUSTICE M.S. RAMAN

ORDER

29.08.2022

Order No.

03.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 1247 of 2016 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 1247 of 2016.
3. Vide office order dated 15th November, 2007 issued by the Chief District Medical Officer, Koraput, the Petitioner, namely, Sri Madhusudan Mali son of Sri Dasarath Mali was engaged as Sweeper on daily wages basis temporarily and while continuing as such for more than six years, he has approached the Odisha Administrative Tribunal in Original Application No. 1247 of 2016 for praying therein for a direction to consider regularization of his service. The learned Odisha Administrative Tribunal vide order dated 30th June, 2016 passed the following order:-

“Learned counsel for the applicant submitted that the applicant has been working as Sweeper under CDMO, Koraput on 44 days basis. Even though there is no break in his service, he is not getting his salary.

Since last three months. His service has also not yet been regularized as per Rule and Policy of the Govt. Ventilating his grievance, the applicant has made number of representations to the competent authority, i.e. C.D.M.O., Koraput and till date no positive action has been taken on his representation, even though 15 posts are lying vacant.

This is a fit case for adjudication.

Issue notice on admission.

Counter be filed within four weeks and rejoinder if any, be filed within two weeks thereafter.

List this matter after six weeks.

So far as prayer for interim relief is concerned, current salary of the applicant be released, if he is still working. No coercive action be taken against the applicant till filing of the counter and its adjudication."

4. No counter has been filed by the Opposite Parties.

5. At the time of hearing today, Mr. C.S. Panda, counsel for the Petitioner furnished an office order bearing No.6464/2019-Estt.Class-IV, dated 28th October, 2019 issued by the Chief District Medical and Public Health Officer, Koraput. In the said letter it has been stated as follows:-

"In pursuance to order no.03 dt.16.07.2019 passed by the Hon'ble O.A.T. Cuttack Bench, Cuttack in O.A. No.1386(C)/2019 between Sri Kali Prasad Khemundu with 17 others and in pursuance to the provisions contained in Resolution No.26108/G.A dated 17.09.2013. Gazette Notification No. 1769 dtd.18.09.2013 of Govt. General in Administration Department read with Resolution No.1066/G.A dated 16.01.2014 and as per Govt. in Health and Family Welfare Department letter No.24192/H dtd.25.09.2019 Sri Madhusudan Mali, (Gen) who has completed 06 years of contractual/Daily Wages service on 19.11.2013 is regularly appointed as Sweeper on monthly pay of Rs.4750/- with grade pay Rs.1500/- per month in the scale of pay of Rs.4750-14680/- with grade pay Rs.1500/- per month with usual D.A. and other allowances as admissible under Rules from time with effect from 20.11.2013 after condonation of breakage of service and on such regular appointment he is posted to

PHC(N) Dudhari under CHC Kundhuli against the vacant post.

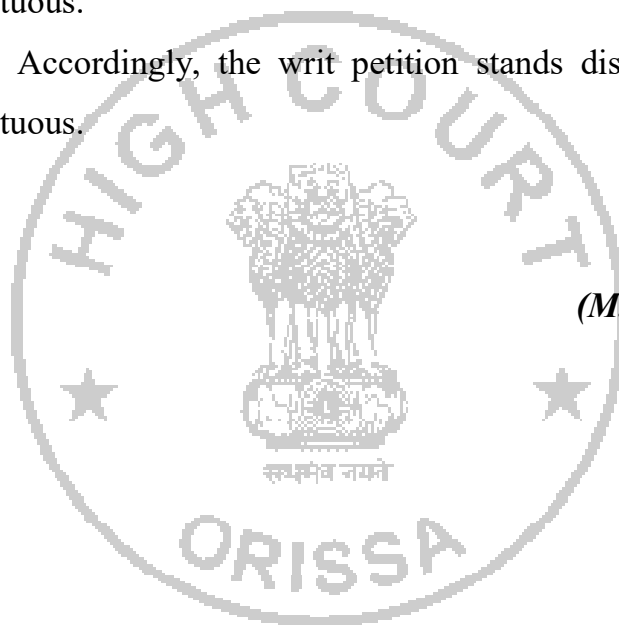
The above appointment is purely temporary and terminable at any time on one month notice or pay in lieu of thereof from either side without assigning any reason thereto.

He shall be enrolled under New Pension Scheme as per the provisions of Finance Department Govt. of Odisha Notification No.44451/F dated 17.09.2005.”

6. In view of the aforesaid office order, the relief prayed for in the writ petition has been allowed by the authority concerned. Therefore, this writ petition has become infructuous.

7. Accordingly, the writ petition stands disposed of as infructuous.

Laxmikant



(M.S. Raman)
Judge