

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No. 1756 of 2014

Sadhav Chandra Naik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

05.08.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Barick, learned counsel for the Petitioner and Mr. Balabantarya, learned counsel for the Opp. Parties.

3. The Petitioner has filed the present Writ Petition for the following reliefs:

“(i) Direct the Respondents to regularize the service of Applicant in the post of Addl. Collection Peon from the date of joining and to give all financial benefits within a time to be stipulated by this Hon’ble tribunal.

(ii) And pass such other order(s) as may be deemed fit and proper for the interest of justice.”

4. It is submitted that the Petitioner was appointed as Additional Collection Peon with regular scale of pay and posted to different Tahasils coming under Sundargarh district. It is also submitted that pursuant to such appointment as Additional Collection Peon, the Petitioner were not only allowed to continue on regular basis but also proposals were mooted for his absorption in the regular

establishment at different point of time. It is also submitted that in spite of such action taken for their absorption, but no final order was passed in absorbing him in the regular establishment. It is accordingly submitted that because of such in action from the part of the Opp. Parties, the Petitioner in spite of long continuance are continuing as Additional Collection Peon in different Tahasils.

5. It is submitted that during pendency of this matter Govt. in Revenue and Disaster Management Department, Odisha vide Communication No. RDM-LRLGEC-COMM00001-2017/2738/R & DM, dtd. 19.04.2017 has directed all the Collectors to furnish action taken report on the issue pertaining to regularization of service of Addl. Collection Peon. But it is pertinent to mention that in spite of such communication issued by the Govt. on 19.04.2017 no further action was taken in furnishing the report and consequential regularization of service of the Petitioner.

6. It is also submitted by Mr. Barick, learned counsel for the Petitioner that pursuant to the Order passed by the learned Tribunal on 10.02.2012 in O.A. No.950 of 2000 persons similarly situated have been regularized in the district of Jharsuguda. But due to the in action on the part of the Opp. Party No.2, the Petitioner is continuing as Additional Collection Peon without getting the benefit of regularization. Accordingly, Mr. Barick prayed for interference of this Court to issue necessary direction as prayed for.

7. Mr. Balabantaray, learned Standing Counsel submitted that the Petitioner is continuing as Additional Collection Peon with regular scale of pay and in due course of time their cases will be considered for regularization. Since no final decisions have been taken in terms of the communication issued by the Govt. of Revenue & Disaster

Management Department on 19.04.2017, the Petitioner has to wait for his case in considered by the Govt.

8. Considering such submission made by Mr. Barick, learned counsel for the Petitioner and Mr. Balabantaray, learned Standing Counsel, this Court permits the Petitioner to make a detailed representation before O.P. No.2 ventilating his grievance within a period of 3 (three) weeks.

9. It is observed that if any such representation is filed within the aforesaid period, O.P No.2 shall take a lawful decision on the same within a period of 3(three) months from the date of receipt of said representation, taking into consideration the recommendation made vide communication dtd.19.04.2017 orders of regularization, if any passed in terms of order dtd.10.02.2012 in O.A. No.950 of 2000 by the Collector, Jharsuguda.

10. It is also observed that while taking such decision, O.P. No.2 shall also follow the direction of the Hon'ble Apex Court reported in the case of *Secretary, State of Karnataka vs. Uma Devi (3), (2006) 4 SCC-1, State of Karnatak vs. M.L.Keshari, (2010) 9 SCC 247, Nihal Singh & Others vs. State of Punjab & Others, 2013 (14) SCC 65 and Amarkant Rai vs. State of Bihar & Others, 2015 (8) SCC 265*. Since the Petitioner is continuing for around 30 years as Additional Collection Peon, their claim for regularization to the considered view of this Court equally comes within the parameter issued by the Hon'ble Apex Court in the aforesaid decision. Accordingly, it is directed that the Opp. Parties shall take effective steps and considered the claim of the Petitioner for their absorption in the regular establishment by following the decisions of the Hon'ble Apex Court as cited (supra) and the absorption of this

Court has indicated hereinabove. It is directed that the entire exercise shall be completed within a period of 3 months from the date of receipt of individual representation to be made by the Petitioner. The order so passed be also communicated to the Petitioner.

11. With the aforesaid observation and direction the Writ Petition is disposed of.

12. Issue urgent certified copy of the order as per rules.

Sneha

(Biraja Prasanna Satapathy)
Judge

