

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OAC) No.388 of 2014

Allauddin Khan

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
16.3.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard Mr. S. Patra, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel for the State.
3. 3. The petitioner, who was working in the work charge establishment, has filed this writ petition to be brought over to regular establishment after completion of five years of service and he should be appointed in regular post and granted all benefits as due and admissible to him in accordance with law, including pension/pensionary benefits taking into account his entire period of service.
4. 4. Mr. S. Patra, learned counsel for the petitioner contended that in the year 2001 though 945 petitioner had approached the tribunal by filing this application, but in the meantime some of them have expired, some of them have already retired and some of them are continuing, but they have not yet been brought over to the regular

establishment though stand at par with their counterparts who had filed O.A. No. 2559(C) of 1999 (Kasidev Maharana v. State of Orissa & Ors.) and batch disposed of vide order dated 16.11.1999, which has been confirmed by this Court vide order dated 08.01.2018 passed in WP(C) No. 7246 of 2016 and re-affirmed by the apex Court vide order dated 30.07.2018 passed in Diary No.23207 of 2018, and that the said order of the tribunal has been implemented pursuant to the common judgment dated 27.07.2021 passed by this Court in CONTC (CPC) No. 305 of 2000 and batch. It is also further contended that in the above eventuality, let the petitioner file an application before the authority concerned seeking relief which has already been granted to similarly situated persons, so that the authority can consider the same in the light of the order passed by the tribunal, as mentioned above.

5. Mr. M. Balabantaray, learned Standing Counsel for the State contended that since it is an old case of the year 2001, after abolition of the tribunal he is not possessed with the record. However, if the petitioner is working in the work charge establishment and he wants to be brought over to the regular establishment and such question has already been considered by the tribunal in the cases, referred to above, then his grievances can be considered by the authority concerned in the light of the order passed by the tribunal.

6. Having heard learned counsel for the parties and after

going through the records, this Court is of the considered view that since the petitioner is working in the work charge establishment and he wants to come over to regular establishment, his cases require consideration in the light of the orders dated 16.11.1999 passed by the tribunal in O.A. No. 2559(C) of 1999 and batch, which has been confirmed by this Court vide order dated 08.01.2018 passed in WP(C) No. 7246 of 2016 and re-affirmed by the apex Court vide order dated 30.07.2018 passed in Diary No.23207 of 2018, in view of implementation of the order of the tribunal pursuant to the common judgment dated 27.07.2021 passed by this Court in CONTC (CPC) No. 305 of 2000 and batch. Consequentially, this Court directs that if the petitioner files individual application/representation before the authority concerned within two weeks hence, the same shall be considered in the light of the order passed by the tribunal, referred to above, as expeditiously as possible preferably within a period of three months from the date of receipt of the application/representation.

7. With the above observation and direction, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge