

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2130 of 2016

Sri Laxmi Kanta Sahu

.....

Petitioner

Mr. S. Rath, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. J. Patnaik, GA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

24.08.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Rath, learned Counsel for the Petitioner and Mr. J. Patnaik, learned Government Advocate.

3 The Petitioner files this application seeking to antedate the regularization of service of the Petitioner in the post of Dak Runner under Opposite Party No.3 pursuant to Annexure-2 with effect from 03.02.2001 along with all arrear and consequential service benefits.

4. Mr. Rath, learned Counsel for the Petitioner contended that the service of the Petitioner has been regularized in terms of Clause-10 of the Resolution dated 15.05.1997, but it should have been done on the basis of Clause-1 of the said resolution, which states about the scheme for absorption of N.M.R./D.L.R./Job Contract Workers under Regular Establishment.

5. Mr. J. Patnaik, learned Government Advocate contended that the claim of the petitioner to antedate the regularization invoking clause-1 of the Resolution is not admissible to him, rather the regularization done as per Clause-10 of the Resolution dated 15.05.1997 is well justified.

6. Having heard learned Counsel for the Parties and after going through the record, it appears that the Petitioner was temporarily engaged

as DLR employee on 10.12.1992. He continued as such for a period of seven years. Thereafter filed Original Application in Orissa Administrative Tribunal praying for his permanent absorption in the said post. But while disposing of the Original Application, the Tribunal vide order dated 12.05.2000 directed to allow the minimum of pay scale prescribed for regular employees doing that kind of work. In compliance to said direction, the Petitioner was allowed to draw the minimum Scale vide office order dated 03.02.2001. As such the appointment of the petitioner was temporary on 45 days spell following one day break in the end of the spell. The Finance Department of Government of Orissa vide Resolution dated 15.05.1997 published a scheme for absorption of N.M.R./D.L.R./Job Contract Workers under Regular Establishment. As the Petitioner fulfilled all these eligibility criteria of the said Resolution, his case was recommended to the Principal Chief Conservator of Forests, Orissa for according necessary permission from the Finance Department. The process of according such approval after preparation of eligibility list by the Forests and Environment Department consumed time and, thereafter finally on 22.12.2014, the Principal Chief Conservator of Forests permitted to absorb the Petitioner in the regular establishment. Pursuant to which, he was absorbed in the post of Dak Runner vide order dated 10.12.2014 in terms of Clause-10 of the Resolution. The claim made by the Petitioner that it should be antedated to 2012 taking into 10 years service as per Clause-1 of the Resolution dated 15.05.1997 is not admissible.

7. In view above, this Court does not find any merit in the Writ Petition, which is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

Arun