

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.C(OA) No.1936 of 2016**

**W.P.C(OA) Nos.1937,1938 & 1939 of 2016**

**Maheswar Patra**

....

**Petitioner**

*-versus-*

**State of Odisha & Others**

....

**Opposite Parties**

**COROM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**10.08.2022**

**Order No**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioners.
3. The Writ Petition involves the following prayer:

*“direct the respondents to absorb the applicant in regular establishment in the existing vacant post in view of Govt. Resolution as well as the benefits granted to similarly situated persons vide Annexure-4 & 5 series taking into account his long period of service as DLR ad work charged.”*

4. In course of argument, it is not disputed by both sides that several similar matters having been disposed of by the learned Tribunal and such orders being challenged in High Court have come to be confirmed by this Court. As a matter of example, learned counsel for the petitioners produces two copies of the orders of this Court passed in O.J.C. No.12017 of 2000 and W.P.(C ) No.27950 of 2019 disclosing therein two Division Bench at different points of time have come to confirm the direction of the Tribunal making even a person in

retired while continuing in Work Charge Establishment entitled to pensionary benefit even taking into consideration the resolution of the Government. There is no denial to such development.

**4.** Undisputedly present petitioners are still working in Work Charge Establishment. Considering the position of law involving the issue being settled in the High Court even involving superannuated employees, this Court in disposal of the Writ Petitions directs the competent authority to bring the petitioners to the regular establishment considering that they have already completed five years of service in Work-charge Department and make them entitled to the benefit under the Circular under Annexures-2 & 4. Entire action by the competent authority to bring the petitioners under regular Establishment will be completed within a period of three months from the date of communication of this order.

**5.** With the above direction, the Writ Petitions stands disposed of.

**6.** The photocopy of this order be placed on the connected cases.

**(Biraja Prasanna Satapathy)**  
**Judge**

