

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OAC) No.4162 of 2014

Paddyama Achari

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

10.05.2022

Order No

2.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.

3. This writ petition involved the following prayer:-

“Under the facts and circumstances stated above, the petitioner therefore prays that, this Hon’ble Court may graciously be pleased to issue a appropriate Writ/Writ(s) in the nature of a writs of Mandamus directing the Opposite Parties to bring the petitioner to regular establishment and to extend benefits as admissible under law within a stipulated time. And pass any other order/orders as would be deemed fit and proper. And for this act of kindness, the petitioner shall ever pray.”

4. This is an unfortunate case where an appointee under Rehabilitation Assistance Scheme was working in work charge establishment for more than two decades retired w.e.f. 31.05.2014. A clear statement is made that while keeping the permanent post vacant, there is no regularization of the petitioner and still the petitioner, a Rehabilitation Assistance Employee, was forced to retire as work-charge employee after two decades.

5. Considering the fate of the petitioner for over two decades and not yet regularized in spite of clear vacant posts are there,

in disposal of the writ petition, this Court directs the Principal Secretary, Water Resources Department-opposite party no.1 to find out whether there is regular vacancies in Group-'D' posts, in the event there is vacancy in such cadre, considering long continuance of the petitioner decision, as appropriate, be taken for regularization of the petitioner by converting the positioning of the petitioner from work charged employee to that of regular employee. The entire period of this work-charge employee shall be taken into account for pension purpose by completing the entire exercise within a period of two months from the date of communication of certified copy of this order by the petitioner.

6. The Writ Petition stands disposed of with the observation and direction made hereinabove.

(Biraja Prasanna Satapathy)
Judge

Subrat

