

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.2296 of 2014

Markand Pattnaik

....

Petitioner

Mr.P.C.Mishra, Adv.

-versus-

State of Odisha & others

....

Opp. Parties

Mr.G.R. Mohapatra, ASC

CORAM:JUSTICE S.K. PANIGRAHI

ORDER

05.04.2022

Order No.

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- 1.This matter is taken up by hybrid mode.
2. The petitioner had filed original application before the Orissa Administrative Tribunal, Cuttack Bench, Cuttack, which has been transferred to this Court.
3. The petitioner prays for issuance of direction to the opposite parties for regularization of his service in regular establishment.
4. The learned counsel for the State submits that the petitioner being work charged employee was governed under the Odisha Work Charged Employees (Appointment and Conditions of Service) Institutions, 1974. Before his retirement, his services could not be regularized in the absence of regular (Wages) post under Director, Hydrometry. When he entered into work charged service, it was very well known to him that work charged establishment is not pensionable as per rule -18(2) of the O.C.S. (Pension) Rules, 1992. Having known of this fact, he has joined the said post and served in

the said post for a considerable period. His claim cannot be accepted in view of the judgment rendered by the Hon'ble Apex Court in the case of *Secretary, State of Karnataka and others-vrs-Uma Devi and others* (CA No.3595-3612 of 1999). The Division Bench of the Tribunal have also disallowed the similar case vide order dated 15.03.2013 in O.A. 2357 (c)/1999.

5. In such view of the matter, the case of the petitioner merits no consideration and accordingly, the WPC (OAC) is disposed.

pcd

