

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No. 972 of 2016

Saudager Meher

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
27.07.2022**

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. A.K. Mishra, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for State-Opp. Parties.
3. The Petitioner is filed the present writ Petition with the following prayer:-

“The Hon’ble Tribunal may graciously be pleased to:

Direct the respondents to regularize the appointment of the applicant as he has completed 20 years of service continuously and his case was recommended by the Forest Range Officer, Bhatli vide memo No. 845 dated 20.07.2010.

And pass any other order(s)/direction(s) as may be deemed fit and proper in the bonafide interest of justice.”

4. It is submitted that the Petitioner since 04.11.1995 was allowed to discharge his duty as a Watcher in the office of Forest Range Officer, Bhatli Range under Bargarh Forest Division.

5. It is also submitted that while so continuing basing on the request made by the Odisha Non-Gazette Forest Employees Association for absorption of such irregular appointees, Govt. in the department of Forest and Environment issued a letter on 16.06.2010 requesting different Chief Conservator of Forest to furnish the list of D.L.R./N.M.R./Job Contract and work charged employees on seniority basis for their regularization in the sanctioned post in the prescribed format.

6. It is submitted that pursuant to the said letter the Petitioner's name was duly recommended for his absorption by the Range Officer under Annexure-5 on 20.07.2010. It is further submitted that even though his name was duly sponsored and person similarly situated have been regularized as against Group- C & Group-D post, but the Petitioner's case is yet to be considered. Accordingly, Mr. Mishra submitted that necessary direction be issued to the Opp. Parties to absorb the Petitioner in the regular establishment.

7. Mr. Mishra, learned AGA made his submission relying on the counter. It is submitted that though the Petitioner alleges to have been continuing without any break from 04.11.1995, but for the period 13.11.2015 to 30.11.2015, he was not in service and accordingly, there is break of eighteen (18) days in his service.

8. Mr. Mishra further submitted that even though the Petitioner's case has been recommended, it was not in conformity to the criteria

prescribed in the Gazette notification issued by the Finance Department on 15.05.1997.

9. Mr. Mishra, learned counsel for the Petitioner files a reply to the said counter in Court today. In the said reply, Mr. Mishra has annexed annexure-7 showing the treatment of the Petitioner for the period 13.11.2015 to 30.11.2015 under VIMSAR, Burla. Mr. Mishra accordingly submitted that because of his illness he could not discharge his duty for the said period and that cannot be treated as break period of service.

10. Heard learned counsel for the Parties. Since there is no dispute that the Petitioner is continuing as a Watcher on daily wage basis since 04.11.1995 and his name has been recommended for his absorption in the regular establishment pursuant to the letter issued by the Department on 11.06.2010, the O.P. No. 2 is directed to take a decision on the Petitioner's claim for his absorption in the regular establishment within a period of three (3) months from the date of receipt of this order. While taking such a decision, the long continuance of the Petitioner as a Watcher on daily wage basis be taken into consideration along with the orders of regularization issued in favour of similar employees.

11. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha