

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.967 of 2017

Dhananjaya Panda

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.7.2022

Order No

7. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. P.C. Das, learned counsel for the Petitioner and Mr. Tripathy, learned A.G.A.

3. Pursuant to the last order passed by this Court on 30.6.2022, Shri Prabodha Kumar Rout, Superintending Engineer, Kendrapara Irrigation Division, Kendrapara has appeared in person in Court today.

4. Shri Rout files an affidavit in obedience to the said order by enclosing various documents. The same be kept on record.

5. It is submitted by the learned counsel for the petitioner that the petitioner was engaged in WRCP Division, Kendrapara on 1.3.1998 and while continuing as such, he was disengaged from his service on 3.3.2003. It is further submitted that similarly situated person namely Shri Pankaj Kumar Parida who was also engaged on 1.11.1999 and was disengaged along with the petitioner on 3.3.2003, was subsequently re-engaged as Computer

Operator vide order dated 4.5.2007 of the Superintending Engineer, Eastern Circle, Cuttack. It is submitted that Sri Parida since was engaged subsequent to the petitioner and he was disengaged along with him, re-engagement of the said Pankaj Kumar Parida ignoring the claim of the petitioner is illegal. In the affidavit filed by Shri Probodh Kumar Rout in Court today, the said fact is also admitted. Vide order under Annexure-C/5, the said Pankaj Kumar Parida suo motu has been reengaged as Compute Operator in the office of the Superintending Engineer, Eastern Circle, Cuttack.

6. Since persons similarly situated and engaged subsequent to the petitioner has been reengaged, this Court while disposing the Writ Petition directs Opp. party No.2 to consider the claim of the petitioner for his re-engagement. While taking such a decision, the said authority shall take into consideration the benefit extended in favour of Shri Pankaj Kumar Parida. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

7. Since this direction is issued in a special circumstance, the present order cannot be treated as a precedent in any other claim of similar nature.

8. The personal appearance of Sri Prabodha Kumar Rout, Superintending Engineer, Kendrapara Irrigation Division, Kendrapara is dispensed with.

9. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sangita

sangita

