IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.2600 of 2014

Rohit Kumar Sekhar Deo .... **Petitioner**

-versus-

State of Odisha & Ors. .... **Opposite Parties**

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
29.06.2022

Order No

02. **1.** This matter is taken up through Hybrid Mode.

2. Heard Mr. Barick, learned counsel for the Petitioner and learned counsel appearing for the Opp. Parties.

3. The Petitioner in this case has filed the present Writ Petition with the following reliefs:

> *"(i) Direct the Respondents to regularize the service of Applicant in the post of Addl. Collection Peon from the date of joining and to give all financial benefits within a time to be stipulated by this Hon'ble tribunal.*
>
> *(ii) And pass such other order(s) as may be deemed fit and proper for the interest of justice".*

4. It is submitted that the Petitioner was appointed as Additional Collection Peon with regular scale of pay and posted to different Tahasils coming under Sundargarh district. It is also submitted that pursuant to such appointment as Additional Collection Peon, the Petitioner was not only allowed to continue on regular basis but also

proposals were mooted for his absorption in the regular establishment at different point of time. It is also submitted that in spite of such action taken for his absorption, but no final order was passed in absorbing him in the regular establishment. It is accordingly submitted that because of such in-action on the part of the Opp. Parties, the Petitioner in spite of long continuance is continuing as Additional Collection Peon in different Tahasils on temporary basis.

5. It is submitted that during pendency of this matter Govt. in Revenue and Disaster Management Department, Odisha vide Communication No. RDM-LRLGEC-COMM00001-2017/2738/R & DM, dtd. 19.04.2017 has directed all the Collectors to furnish action taken report on the issue pertaining to regularization of services of Addl. Collection Peons. But it is pertinent to mention that in spite of such communication issued by the Govt. on 19.04.2017 no further action was taken in furnishing the report and consequential regularization of service of the Petitioner.

6. It is also submitted by Mr. Barick, learned counsel for the Petitioner that pursuant to the Order passed by the learned Tribunal on 10.02.2012 in O.A. No.950 of 2000 persons similarly situated have been regularized in the district of Jharsuguda. But due to the in action on the part of the Opp. Party No.2, the Petitioner is continuing as Additional Collection Peon without getting the benefit of regularization. Accordingly, Mr. Barick prayed for interference of this Court and to issue necessary direction as prayed for.

7. Mr. Balabantaray, learned Standing Counsel submitted that the Petitioner is continuing as Additional Collection Peon with regular scale of pay and in due course of time his case will be considered for regularization. Since no final decisions have been taken in terms of the communication issued by the Govt. of Revenue & Disaster Management Department on 19.04.2017, the Petitioner has to wait for his case to be considered by the Govt.

8. Considering such submission made by Mr. Barick, learned counsel for the Petitioner and Mr. Balabantaray, learned Standing Counsel, this Court permits the Petitioner to make a detailed representation before O.P. No.2 ventilating his grievance within a period of 3 (three) weeks hence.

9. It is observed that if any such representation is filed within the aforesaid period, O.P No.2 shall take a lawful decision on the same within a period of 3(three) months from the date of receipt of said representation, taking into consideration the recommendation made vide communication dtd.19.04.2017 and orders of regularization, if any passed in terms of order dtd.10.02.2012 in O.A. No.950 of 2000 by the Collector, Jharsuguda.

10. It is also observed that while taking such decision, O.P. No.2 shall also follow the direction of the Hon'ble Apex Court reported in the case of ***Secretary, State of Karnataka vs. Uma Devi (3),*** (***2006) 4 SCC-1***, ***State of Karnatak vs. M.L.Keshari***, ***(2010) 9 SCC 247***, ***Nihal Singh & Others vs. State of Punjab & Others***, ***2013 (14) SCC 65*** and ***Amarkant Rai vs. State of Bihar & Others,***

2015 (8) SCC 265. Since the Petitioner is continuing for around 30 years as Additional Collection Peon on temporary basis, his claim for regularization, as per the considered view of this Court, comes within the parameter issued by the Hon'ble Apex Court in the aforesaid decisions. Accordingly, it is directed that the Opp. Party No.2 shall take effective steps and consider the claim of the Petitioner for his absorption in the regular establishment by following the decisions of the Hon'ble Apex Court as cited (supra) and the absorption in the district of Jharsuguda as indicated hereinabove. It is directed that the entire exercise shall be completed within a period of 3 months from the date of receipt of representation to be made by the Petitioner. The order so passed be also communicated to the Petitioner.

11. With the aforesaid observation and direction the Writ Petition is disposed of.

12. Issue urgent certified copy of the order as per rules.

(Biraja Prasanna Satapathy)
Judge

sangita