

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OA) No.1991 of 2012

Sarat Kumar Nayak

....

Petitioner

Mr. Krishna Chandra Sahu, Advocate

-versus-

***Commissioner-Cum-Secretary,
Health & Family Welfare
Department & Others***

....

Opposite Parties

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE M.S. RAMAN**

ORDER
03.03.2022

Order No.

- 01.**
1. This matter is taken up by virtual/physical mode.
 2. The Original Application No.1991 of 2012 was filed before the State Administrative Tribunal, Odisha, Bhubanswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC(OA) No.1991 of 2012.
 3. Learned counsel for the Petitioner/Applicant submits that by the time of filing the Original Application before the State Administrative Tribunal, the Petitioner/Applicant had already served for around 17 years as Driver on contractual basis under Opposite Party No.3/Respondent No.3.
 4. Mr. L. Samantaray, learned Addl. Govt. Advocate referring to the counter affidavit filed submits that though post of Driver has been lying vacant under the Opposite Party No.3 –CDMO,

P.T.O.

Malkangiri, the case of the Petitioner was not against regular vacancy.

5. Learned counsel for the Petitioner/Applicant submits that the Petitioner now would be around 57 years of age and his representation dated 8.4.2012 address to Chief District Medical Officer has been referred to Director of Health Services- Opposite Party No. 2 for consideration.

Attention of this Court is drawn to Annexure-5 i.e. transmission of representation of the Petitioner for absorption against the post of driver under regular basis of CDMO, Malkangiri.

6. Considering the submission made, without entering into the merit of this case, if the matter is still pending before the Opposite Parties for consideration, they may decide the case of the Petitioner in accordance with law as expeditiously as possible preferably within a period of four months from the date of production of the certified copy of this order.

7. With the aforesaid observation and direction, the writ petition is disposed of.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge