

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OAC) No.410 of 2017

Anil Kumar Pradhan

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.08.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. R.N. Mishra, learned A.G.A.
3. It is submitted that in the proceeding dated 22.5.2014 under Annexure-4, the claim of the petitioner along with others were recommended for their appointment under the provisions of Rehabilitation Assistance Scheme. It is submitted that persons placed at sl. No.1 & 2 in the said proceeding were appointed on regular basis vide order dated 26.7.2014 under Annexure-7 series, but the petitioner was not only appointed subsequent to such appointment of similarly situated persons vide order dated 10.2.2016, but that too on contractual basis. Mr. Sethi, learned counsel for the petitioner submitted that since the decision was taken to appoint the candidates on regular basis and two of them were appointed on regular basis vide order dated 26.7.2014 under Anenxure-7 series, the

petitioner should have been appointed on regular basis.

4. In the counter filed by Opp. Party No.1 stand has been taken that taking into account the enforcement of the Rule i.e. Odisha Group-C and Group-D Posts (Contractual Appointment) Rules, 2013 which came into force w.e.f 18.11.2013, the petitioner has been rightly appointed on contractual basis as the appointment is as against a Group-C Post.

5. Heard learned counsel for the parties.

6. This Court after going through the materials available on record finds that similarly situated persons whose names were recommended in the self-same proceeding dt. 22.5.2014 were appointed on regular basis vide order dated 26.7.2014 under Annexure-7 series. Therefore, there was no occasion on the part of the opp. Party No.3 to appoint the petitioner on contractual basis. Hence, this Court while interfering with the matter directs opp. Party No.3 to issue a fresh order of appointment appointing the petitioner on regular basis from the date the petitioner was originally appointed vide order dated 10.2.2016. Such exercise shall be completed by the opp. Party no.3 within a period of one month from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

sangita

