

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.4011 of 2014

In the matter of an application under Section 19 of the
Administrative Tribunal's Act, 1985.

.....

Debaraj Patra

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

For Petitioner : M/s. Bhakta Ranjan Barick
S.K. Parida

For Opp. Parties : Additional Standing Counsel
Mr. P. Bharadwaj

WPC(OAC) No.4014 of 2014

Basudev Mahanta

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 19.04.2022 and Date of Order: 22.04.2022

Biraja Prasanna Satapathy, J.

1. Since common prayer has been made in all these writ Petitions, all were taken up through Hybrid Mode.
2. Heard Mr. Barick, learned counsel for the Petitioners and learned counsel appearing for the Opp. Parties.
3. The Petitioners in all these cases have 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 Petitioners were 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 Petitioners were not only allowed to continue on regular basis but also proposals were mooted for their absorption in the regular establishment at different point of time. It is also submitted that in spite of such action taken for their absorption, but no final order was passed in absorbing them in the regular establishment. It is accordingly submitted that because of such in-action on the part of the Opp. Parties, the Petitioners in spite of long continuance are 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 Petitioners.

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 Petitioners are 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 Petitioners are continuing as Additional Collection Peon with regular scale of pay and in due course of time their cases 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 Petitioners have to wait for their cases 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 their grievances within a period of 3 (three) weeks hence.

9. It is observed that if any such representation is filed individually 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 Petitioners are continuing for around 30 years as Additional Collection Peon on temporary basis, their 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 Petitioners for their 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 individual representations to be made by the Petitioners. The order so passed be also communicated to all the Petitioners individually.

11. With the aforesaid observation and direction the Writ Petitions are disposed of.

12. Xerox copy of the order be placed with the connected case records.

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

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 22nd of April, 2022/Sneha

