

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.29803 of 2022**

***Sanjeev Kumar Naik***

....

***Petitioner***

*Mr.Rabinarayan Nayak, Advocate*

*-versus-*

***The Addl.Chief Secretary, Forest  
Environment & Climate change  
Department, Bhubaneswar &  
others***

....

***Opposite Parties***

*Mr.A.Behera, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**23.11.2022**

**Order No.**

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The preset writ application has been filed with the following prayer:

“It is therefore, the Petitioner most humbly prays that this Hon’ble Court may graciously be pleased to admit this writ petition and issue a writ of mandamus or any other writ directing the Opp.Parties to take appropriate action to regularize the services of the Petitioner from the date of his initial engagement since February, 1993 as DLR driver within a stipulated time.

And to pass any other order/orders, direction/directions as this Hon’ble Court may deem fit and proper for ends of justice;”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been working as a diver under the D.F.O.,Khariar

Forest Division since 1993 continuously. It is further submitted by the learned counsel for the Petitioner that although the Departmental Authority has recommended the case of the Petitioner for regularization of services of the Petitioner, who has been working continuously for 29 years, his case has not been considered and the D.F.O., Khariar, Opposite Party No.4 recommended the case of the Petitioner to the Regional Chief Conservator of Forests, Bhawanipatna Circle Opposite Party no.3, who in turn requested Opposite Party No.2 for consideration of the case of the Petitioner for regularization of his service. In the said context learned counsel for the Petitioner draws the attention of this court to letter under Annexures-18, 19 and 20 whereunder the case of the Petitioner has been recommended for consideration. When no action has been taken being aggrieved by such inaction of the authority, the present Petitioner has approached this Court in the present writ application.

5. Learned Additional Standing Counsel on the other hand submits that since the matter is pending consideration before the competent authority on the basis of the recommendation of the Departmental Authority, the competent authority be directed to take suitable action for regularization of service of the Petitioner keeping in view the recommendation under Annexures-18, 19 & 20 within a stipulated period of time.

6. At this stage learned counsel for the Petitioner further submits that posts are lying vacant since 2014 and the case of the Petitioner can very well be considered in the said vacancies.

7. Having heard learned counsel for the respective parties and upon perusal of the materials placed before this Court, this Court disposes of the writ application at the stage of admission without expressing any opinion on the merits of the case by directing the

Opposite Party no.1 to take a decision in the matter keeping in view the recommendation under Annexures-18,19 and 20 and pass a speaking and reasoned order in accordance with law within a period of six weeks from the date of production of certified copy of this order. The decision so taken shall be communicated to the Petitioner within two weeks thereafter. It is needless to mention here that while considering the case of the Petitioner for regularization of service the authority shall take into consideration the law laid down in the case of **State of Karnataka-v.-Umadevi,2006(4) SCC 1.**

8. With the aforesaid observation, the writ application stands disposed of.
9. Issue urgent certified copy of this order as per Rules.

RKS

