

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30318 of 2022

Mir Khursid Ali

.... ***Petitioner***
Mr.K.K.Swain, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr.P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.11.2022

Order No.

01.

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

“ Under the above circumstances, it is humbly prayed that the writ petition may be allowed;

A) a writ of mandamus or an appropriate writ may be issued commanding the opposite parties to regularize the services of the Petitioner against the post of Peon as he was engaged against a vacant and sanctioned post with effect from the date he has completed 10 years of service with all consequential benefits keeping in view the ratio decided by the Hon’ble Apex Court in the case of State of Karnataka & Ors vs.Uma Devi (3) & Ors reported in (2006) 4 SCC 1, in the case of State of Karnataka and others Vs. M.L.Keshari and others reported in 2010(II) OLR SC 982 and in the case of Nihal Singh and others Vs. State of Punjab and others reported in AIR 2013 SC 3547, within a time to be stipulated by this

Hon'ble Court;

B) And any other order/orders or direction/directions may be issued so as to give complete relief to the Petitioner.”

4. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the Chief District Medical and Public Health Officer, Jajpur, Opposite Party No.3 on 05.04.2022 under Annexure-11. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.3 to consider the representation of the Petitioner under Annexure-11 within a stipulated period of time.

5. Learned Additional Standing Counsel submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.1, which is stated to be pending, in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.3 to consider the representation of the Petitioner under Annexure-11 in accordance with law within a period of three months from the date of production of certified copy of this order. The Opposite Party No.3 shall do well to dispose of the representation of the Petitioner under Annexure-11 keeping in view the law laid down in the case of **State of Karnataka & Ors Vs. Uma Devi (3) & others** reported in (2006) 4 SCC 1 and in the case of **State of Karnataka and others Vrs. M.L.Keshari and others** reported in **2010(II) OLR (SC) 982** and by passing a speaking and reasoned order.

7. With the aforesaid observation, the writ application stands

disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

