

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.2429 of 2013

<i>Akshaya Kumar Jena</i>		<i>Petitioner</i>
		<i>Mr. S. Behera, Advocate</i>
	Vs.	
<i>State of Orissa & Ors.</i>		<i>Opposite Parties</i>
		<i>State Counsel</i>

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

07.12.2022

Order No.

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This matter is taken up through Hybrid mode.

2. Heard Mr. S. Behera, learned counsel appearing for the petitioner.
3. The petitioner has filed this writ petition seeking directing to the opposite parties to count the entire past period w.e.f. 27.02.1989 to 25.07.1997 for the purpose of pension and further to issue direction to the authorities to regularize the services of the petitioner with consequential service benefits.
4. Mr. S. Behera, learned counsel appearing for the petitioner contended that since the petitioner has rendered service for the period w.e.f. 27.02.1989 to 25.07.1997, the said period be taken into consideration for regularization of service.
5. Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department contended that since the service of the petitioner for the period from 27.02.1989 to 25.07.1997 was schematic appointment, the said period cannot be regularized in

view of order passed by this Court in ***Chandra Sekhar Sahoo v. State of Odisha*** (W.P.(C) No.17023 of 2012, disposed of on 07.04.2022).

6. Having heard learned counsel for the parties and after going through the records, it appears that since the period of service rendered by the petitioner w.e.f. 27.02.1989 to 25.07.1997 was schematic appointment, the benefit of regularization of service for the said period is not admissible in view of order passed by this Court in ***Chandra Sekhar Sahoo*** (supra). So far as other prayer for regularization of service with consequential service benefit is concerned, it is open to the petitioner to file a fresh representation within a period of two weeks from today ventilating his grievances before the authority. In the event, the petitioner files such representation along with this order, the authority shall consider and pass appropriate order in accordance with law within a period of three months thereafter.

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

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok