

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.160 of 2017

Subhasini Pattnaik & Others Petitioners

-versus-

State of Odisha & Ors. Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
08.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioners and learned counsel for the Opposite Parties.
3. Learned counsel for the Petitioners submitted that the Petitioners were duly selected and engaged on contractual basis vide order dated 21.02.2008 of the C.D.M.O., Keonjhar-Opposite Party No.5 under Annexure-6.
4. Learned counsel for the Petitioner submitted that pursuant to the said order issued under Annexure-6, the Petitioners not only joined but also was allowed to continue on contractual basis.
5. Learned counsel for the Petitioners submitted that while so continuing when an advertisement was issued by the Opposite Party No.5 on 21.12.2016 under Annexure-9, to fill up the posts in which the Petitioners are continuing, the Petitioner challenging the same approached this Court in the present writ petition. Even though while issuing notice of the matter, no interim order restraining the

Opposite Party No.5 from proceeding with the said selection process in terms of the advertisement issued on 21.12.2016 was passed, but it is submitted that the Petitioners were allowed to continue as before.

6. Be that as it may, learned counsel for the Petitioners submitted that since their joining in terms of the order under Annexure-6, the Petitioners are continuing on contractual basis till date and in view of such long continuance of the Petitioners on contractual basis, they are eligible and entitled for their absorption in the regular establishment in terms of the G.A Department resolution issued on 17.09.2013 and 16.01.2014.

7. Learned counsel for the Petitioner further submitted that the claim of the Petitioners for their absorption is also covered by the decision of this Court rendered in W.P.(C) No.19951 of 2020 (***Patitapaban Dutta Dash and Others vs. State of Odisha & Others***).

8. Learned counsel for the State on the other hand submitted that since there is no interim order passed by this Court while issuing notice of the matter, the process of selection pursuant to the advertisement dated 21.12.2016 has been completed. But learned counsel for the State did not dispute the continuance of the Petitioner on contractual basis in the establishment of Opposite Party No.5 pursuant to Annexure-6.

9. In view of such submission made by the learned counsel for the Parties, this Court while disposing the Writ Petition directs the Opposite Party No.5 to take

effective steps for absorption of the Petitioners in the regular establishment in terms of the G.A Department resolution issued on 17.09.2013 and 16.01.2014 and the decision of this Court rendered in the case of (**Patitapaban Dutta Dash and Others vs. State of Odisha & Others**). The entire exercise shall be completed within a period of three months from the date of receipt of this order. It is however observed this Court has not expressed any opinion on the merits of the case.

10. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(**Biraja Prasanna Satapathy**)
Judge

Subrat

