

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2264 of 2017

Subash Chandra Patra

.....

Petitioner

Mr. P.K. Mohapatra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

08.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned State Counsel.

3. The petitioner has filed this application seeking for a direction to the opposite parties to regularize his service in the post of Driver lying vacant in the office of the Collector, Bhadrak and grant all consequential service benefits.

4. Learned counsel for the petitioner submits that the petitioner was engaged as a Driver on daily wage basis in Collectorate, Bhadrak in the year 2008. He has already rendered 14 years of service under the opposite parties and seeks for regularization of service in view of judgment passed by the apex Court in *Secretary State of Karnataka and Others v. Umadevi (3) and Others*, (2006) 4 SCC 1.

5. Pursuant to notice opposite parties filed their counter affidavit stating that the petitioner has discharged his duty on daily wage basis and he has not been selected by due procedure of selection. Therefore his service cannot be regularized.

6. Considering the contention raised by learned counsel for the parties and after going through the records it appears that the

petitioner has rendered service for more than 14 years on daily wage basis. Therefore the case of the petitioner is squarely covered by the ratio decided in *Secretary State of Karnataka and Others* (supra).

7. In that view of the matter, this Court disposes of this writ petition directing the opposite parties to consider the case of the petitioner and regularize his services keeping in view of the judgment in *Secretary State of Karnataka and Others v. Umadevi (3) and Others*, (2006) 4 SCC 1 within a period of four months and grant consequential service benefits as due admissible to him.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

