

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.182 of 2017

Hujar Murmu & Others

....

Petitioners

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.08.2022

Order No

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Rout, learned counsel appearing on behalf of Mr. D.Pattnaik, learned counsel for the Petitioners and Mr. R.N.Mishra, learned Additional Government Advocate.
3. The present Writ Petition has been filed challenging the advertisement issued on 22.12.2016 under Annexure-8 and with a further prayer to direct the Opposite Parties to regularize the services of the Petitioners against the post of Attendant.
4. This Court while issuing notice of the matter on 16.01.2017 passed an interim order that no coercive action shall be taken against the Petitioners.
5. Mr. Mishra on instruction submitted that in the impugned advertisement issued on 22.12.2016 there is no provision to fill up the post against which the Petitioners are continuing.

6. It is further submitted that the Petitioners are working as Attendant on daily wages basis against vacant regular post. Since it is submitted that the Petitioners are continuing as against the regular vacant post on daily wages basis since their initial order of appointment issued on 01.12.2007 under Annexure-2-Series, the prayer made for absorption of the petitioners in the regular establishment as per the considered view of this Court needs consideration by the Opposite Parties.

7. Therefore, this Court while disposing the Writ Petition directs the Opposite Party No.3 to take steps for absorbing the Petitioners in the regular establishment within a period of four months from the date of receipt of this order. It is observed that the said opposite party while taking a decision shall follow the decision of the Hon'ble Apex Court rendered in the case of **Secretary, State of Karnataka vs. Uma Devi (3)**, (2006) 4 SCC-1, **State of Karnatak vs. M.L.Keshari**, (2010) 9 SCC 247, **Nihal Singh & Others vs. State of Punjab & Others**, 2013 (14) SCC 65 and **Amkant Rai vs. State of Bihar & Others**, 2015 (8) SCC 265.

8. Since it is fairly submitted that the Petitioners are continuing as against the regular vacant posts, that fact be also taken into consideration by the said opposite party.

9. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

