

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) NO.731 OF 2011

Ganesh Prasad Pradhan

....

Petitioner

-VERSUS-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
17.10.2022

Order No

- 4.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S. Mallik, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A
3. The present writ petition has been filed with the following prayer:
- “to quash the letter dated 01.02.2010 (Annexure-5) of the respondent No.2*
- To direct the respondents to consider the case of the applicant afresh in light of the information furnished by the respondent No.5 in his letter dated 25.3.2010 (Annexure-7) and 29.6.2010(Annexure-8)*
- Further be pleased to direct the respondents to regularize the services of the applicant against a regular Class-IV (presently Group-D) post.”*
4. It is submitted that similarly situated employee challenging similar nature of disengagement notice had approached the learned Tribunal and learned Tribunal disposed of the said Original Application on 6.11.2015. It is also submitted that the said order passed in respect of the similarly situated NMR namely Shri Bharat Chandra Dasbabu was implemented by the opp. parties by re-engaging him vide office order No.3700 dated 9.8.2019. Mr. Mallik, learned counsel for the petitioner submitted that the claim of the present petitioner

is similar to the claim of Shri Bharat Chandra Dasbabu. Accordingly, it is submitted that the writ petition be disposed of with a direction on the opp. parties to extend similar benefit as has been extended in favour of Shri Bharat Chandra Dasbabu.

5. Mr. Y.S.P. Babu, learned A.G.A on the other hand submitted that the petitioner be directed to approach opp. party no.1 and let the opp. party no.1 be directed to take a decision on the claim of the petitioner.

6. Heard learned counsel of the parties and perused the materials available on record.

7. This Court while quashing the order dated 5.2.2010 at Annexure-5, dispose of the writ Petition with a direction on the petitioner to make an appropriate application before Opp. party No.1 seeking his re-engagement.

8. It is observed that if any such application is filed by the petitioner within a period of ten days from today, Opp. Party No.1 shall take a decision on the same within a period of one month from the date of receipt of such application. However, it is observed that while considering the claim of the petitioner, the benefit extended in favour of Shri Bharat Chandra Dasbabu vide order dated 9.8.2019 of the Chief Construction Engineer, Anandapur Barage Project, Salapada be taken into consideration and if it is found that the petitioner is similarly situated as Mr. Dasbabu, necessary order be passed by the opp. parties in that light.

8. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

