

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.1007 of 2017

Chakradhar Swain & Others Petitioners

-versus-

State of Odisha & Others. Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
29.8.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. G.R.Sethi, learned counsel for the Petitioner and Mr. Balabantaray, learned Standing Counsel for the State-Opposite Parties.
3. Even though the Petitioners were admittedly engaged on daily wages basis, but wrongly they approached the learned Tribunal in O.A. No.957(C)/2016 with a prayer to absorb them in terms of the resolution issued by the G.A Department on 17.09.2013, which is admittedly issued for such regularization of contractual employees.
4. Since the Petitioners at no point of time were engaged on contractual basis, they should not have filed such application before the learned Tribunal for consideration of the case.
5. In that view of the same and taking into account the facts that the Petitioners were engaged on daily wages basis vide order under Annexure-2-Series they are

permitted to make fresh application individually before the Opposite Party No.1 for their absorption in the regular establishment.

6. It is observed that if such application is filed individually within a period of 3(Three) weeks hence, the Opposite Party No.1 shall do well to dispose of the same on its own merit within a period of three months.

7. It is however observed that Opposite Party No.1 while considering the claim shall take into consideration the judgment of the Hon'ble Apex Court reported 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 **Amarkant Rai vs. State of Bihar & Others**, 2015 (8) SCC 265. The decision so taken by the Opposite Party No.1 be communicated to the Petitioners within that time.

8. Accordingly, the Writ Petition is disposed of according.

(Biraja Prasanna Satapathy)
Judge

Subrat