

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.498 of 2017

**Umesh Chandra Nayak &
Others**

....

Petitioners

-versus-

State of Odisha & Others

....

Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
19.09.2022**

Order No

- 2.** **1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. P.K.Dash, learned counsel for Petitioners and Mr. Panigrahi, learned Addl. Standing Counsel appearing for State-Opposite Parties.
- 3.** The present Writ Petition has been filed with the following prayer:-
- “(i) Admit the Original Application.
- (ii) Issue notice to the respondents and after hearing the parties to the Original Application this Hon’ble Tribunal may graciously be pleased to quash the advertisement dated 22nd December, 2016 under Annexure-5, so far as the post of Junior Laboratroy Technician is concerned. And further be pleased to direct the respondents to regularize the service of the applicants as Laboratory Technician keeping in view the resolution dated 13.05.2013.
- (iii) And pass any other order(s) / direction (s) as would be deemed fit and proper for the ends of justice”.
- 4.** Learned counsel for the Petitioner submits that pursuant to the order issued on 10.10.2006 under Annexure-2-Series, all the Petitioners were engaged on contractual basis in the establishment of Opposite Party No.3.

5. It is further submitted that during such continuance when an advertisement was issued to fill up those posts on 22.12.2016 under Annexure-5, the present writ petition was filed challenging the said selection process.

6. Mr. Das, learned counsel for the Petitioner submitted that this Court while issuing notice of the matter on 22.02.2017 passed an interim order by holding that the services of the Petitioners may not be substituted by another set of contractual appointee till filing of the counter.

7. It is further submitted that the Petitioner since the initial engagement vide order dated 10.10.2010 are continuing on contractual basis till date and their claim for absorption in the regular establishment is squarely covered by the decision of this Court rendered on 11.12.2021 in W.P.(C) No.33301 of 2020 and batch.

8. Mr. Das, accordingly submitted that the present Writ Petition be disposed of with a direction on the Opposite Party No.3 to consider the grievance of the Petitioner in the light of the observation and direction issued by this Court in its aforesaid judgment.

9. Mr. Panigrahi, learned Addl. Standing Counsel has no objection to such course of action being taken by the Opposite Party No.3, if so directed by this Court.

10. Heard learned counsel for the Parties.

11. Taking into account the submissions made by the learned counsel for the Parties, this Court while disposing the Writ Petition direct the Opposite Party No.3 to consider the grievance of the Petitioner as made in the Writ Petition in the light of the observation and direction contained in the judgment dated 11.12.2021 in W.P.(C) No.33301/2020 and batch and take

consequential action within a period of three months from the date of receipt of this order. Till a fresh decision is taken, the interim order passed by the learned Tribunal on 22.02.2017 shall continue.

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

(Biraja Prasanna Satapathy)
Judge

Subrat

