

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.4631 of 2011

Sri Uttam Charan Rout

Petitioner

....
Mr.R.K.Bisoi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.B.P.Tripathy, A.G.A.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
03.11.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
3. The present writ application has been registered as W.P.(C) No.4631 of 2011 after the same was transferred from the Orissa Administrative Tribunal wherein it was filed and numbered as O.A.No.4631 of 2011.
4. The present writ application has been filed with a prayer to quash the show cause notices under Annexue-12 and 12/1 and further for a direction to allow the applicant to work as Job-Contract employee under Opposite Party Nos. 3 & 4.
5. It is submitted by the learned counsel for the Petitioner that since the Petitioner was appointed after the cut off date i.e. 12.04.1993 the Government in R & D.M. department took a decision which was communicated vide letter dated 21.06.2010 to disengage all the remaining 72 Job Contract employees. Thereafter some of the

employees approached the Tribunal by filing O.A.No.1841(C) of 2010 and batch of other cases. It is further contended by the learned counsel for the Petitioner that after hearing learned counsel for the parties and after taking into consideration the respective contentions, the learned Tribunal vide order dated 22.11.2013 vide detailed judgment directed the respective Tahasildar under whom the Petitioners were working allow the applicants to continue in the respective post against available vacancies and further a direction was given to take steps for regularization of their service as against the existing regular vacancies.

6. Learned counsel for the Petitioner further submits that the Petitioner is similarly situated with the applicant in O.A.No.1841(C) of 2010 and batch of cases.

7. Learned Additional Government Advocate on the other hand submits that no doubt a decision has been taken by the learned Tribunal in O.A.No.1841(C) of 2010 vide judgment dated 22.11.2013, but the case of the Petitioner had not been considered. Therefore, the Petitioner be directed to approach the authority along with a copy of the said judgment passed by the Orissa Administrative Tribunal and in the event it is found that the Petitioner stands in a similar footing the benefit extended in the judgment dated 22.11.2013 be also extended to the Petitioner.

8. Having heard learned counsel for the parties and after perusal of the materials placed before this Court, this writ application is being disposed of with a direction to the Petitioner to approach the Opposite Party No.1 along with a certified copy of this order and order passed in O.A.No.1841(C) of 2010 dated 22.11.2013 within a period of two weeks from today. In the event the Petitioner approaches the Opposite Party No.1, the Opposite Party No.1 shall do well to consider the same and in the event it is found that the Petitioner stands in a similar footing

with the applicants in O.A.No.1841(C) of 2010, O.A.No.1950(C) of 2010, O.A.No.1894(C) of 2010, O.A.No.1893(C) of 2010. O.A.No.1872(C) of 2010, O.A.No.1851 (C) of 2010 and O.A.No.2004(C) of 2010 then the benefits under the order dated 22.11.2013 be also extended to the Petitioner by taking an appropriate decision within a period of eight weeks from the date of production of certified copy of this order. Further in view of the aforesaid direction the show cause notice under Annexures-12 and 12/A are hereby set aside.

9. With the aforesaid observation the writ application stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

