

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.2402 of 2017

Basanta Kumar Mohapatra

....

Petitioner

Mr. Sidheswar Mallik, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. P.K. Mohanty, Addl. Standing Counsel

CORAM:
JUSTICE M.S. RAMAN

Order No.

ORDER
19.09.2022

01. 1. This matter is taken up by virtual/physical mode.
2. The Original Application No.2402 (C) of 2017 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC(OAC) No.2402 of 2017.
3. Mr. Sidheswar Mallik, counsel for the Petitioner submits that the Petitioner being engaged as Stipendiary Engineer (Civil) under Irrigation Department vide Order bearing No. ENGG-ESTT-1/92-774 dated 8.1.1993 by virtue of decision of High Power Committee on 18.3.1994 was appointed as Assistant Engineer against existing vacancy on Ad hoc basis (vide Resolution No. 7598/WR dated 12th March, 1996 of Govt. of Orissa, Department of Water Resources). Pursuant thereto, the Petitioner's case was considered and vide letter No. Eng. Estt. 66/2001-23776/WR dated 26.6.2001, he was allocated for appointment of Assistant Engineer (Civil) on ad hoc basis. It is submitted that the further case of the

Petitioner is that the Petitioner was placed under Orissa Industrial Infrastructure Development Corporation, A Govt. of Orissa Undertaking and the benefit from the date of resolution dated 12th March, 1996 till 26th June, 2001, when he was appointed as Assistant Engineer (Civil), has not been extended to him even though similarly situated persons in the Govt. have been given the said benefit. Therefore, the Petitioner along with many others approached the Odisha Administrative Tribunal. The Petitioner's case was registered as O.A. No. 1087 (C) of 2001. The said case along with others was disposed of by the learned Tribunal vide communication dated 18.06.2002. Some other similarly situated persons had approached this Court. As the Orissa Industrial Infrastructure Development Corporation approached the Hon'ble Supreme Court in Civil Appeal No. 1067 of 2006 (arising out of SLP (C) No. 21842 of 2004), said Civil Appeal came to be disposed of on 6th February, 2006 with the following observation:-

“XXX

XXX

XXX

We are of the view that considering the nature of the dispute between the parties, the High Court/Tribunal should not have disposed of the matters without notice to the appellants. The impugned orders are set aside on this ground alone without expressing any view on the merits of the respective contentions of the parties. Since the matters have been pending for some time and since it is the contention of the respondents that the issue raised is *res integra*, we request the High Court to dispose of the matters expeditiously, preferably within a period of three months from the date of receipt of the copy of the order of this Court.

The appeals are disposed of accordingly.”

The case which was before this Court was subsequently being taken up and disposed of, the Petitioners therein were extended the benefit.

Referring to office order issued by the Orissa Industrial Infrastructure Development Corporation, counsel for the Petitioner submitted that similarly placed employees have been extended the benefit from the date of resolution till their appointed as Assistant Engineer. However, the case of the Petitioner was not given due attention. To fortify his contention, counsel for the Petitioner further submitted that the Govt. of Odisha, Water Resources Department vide No. Eng. Estt. 29/04-31109/WR dated 24.9.2004 directed the General Manager (P & A), DIIDC IDCO for payment of scale of pay of Assistant Engineer to the Stipendiary Engineer who were working under the IDCO with effect from 12.3.1996. Therefore, he prays for parity in approach by the IDCO.

4. Mr. P.K. Mohanty, learned Addl. Standing Counsel has no objection, if the Petitioner approaches the Opposite Party No.2, namely, Engineer-In-Chief-cum-Secretary to Govt. of Odisha, Works Department for the aforesaid purpose.

5. The interest of justice would be best served if the Petitioner approaches the Engineer-In-Chief-cum-Secretary to Govt. of Odisha, Works Department-Opposite Party No. 2 with certified copy of this order. The said authority shall do the needful within a period of two months thereafter.

6. With the aforesaid observation and direction, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge

Aks

