

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31096 of 2022

Susanta Kumar Routray

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. B. Pr. Tripathy, A.G.A.

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

ORDER

05.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.
 3. The present writ petition has been filed by the petitioner with a prayer for a direction to the opposite parties to count past service of the petitioner from 23.03.2007 instead of 03.06.2013 and further direction to grant of all other financial and consequential benefits from the date of appointment on 23.03.2007.
 4. Learned counsel for the petitioner, at the outset, submits that initially, the petitioner was engaged as Junior Engineer(Civil) Under the Engineer in Chief Water Resources at a consolidated salary of Rs.5,000/- only per month and then the order dated 27.02.2007 the petitioner was posted to Section No.III of Canal Sub-Division, Padampur order dated 09.03.2007. In obedience to the date of his continuance as such, although in the meantime transferred to different places to discharge his duty to the satisfaction of the

authorities. During such engagement, the petitioner was remained on leave on 01.04.2011 to 17.05.2011. Therefore, he was issued with show cause notice on 19.05.2011. After the petitioner submitted his show-cause explaining that he has not discharged his normal duty because of the illness. On 18.07.2011, he was terminated by the opposite parties. Thereafter, the petitioner preferred an appeal before the appellate authority and the appellate authority allowed the appeal vide order dated 29.01.2013. Accordingly, the petitioner was allowed to join in his service again and since that date he is continuing.

5. Learned counsel for the petitioner, at this juncture, submits that the present writ petition is confined to the period for which the petitioner's service was terminated with a prayer for a direction to regularize the aforesaid period.

6. Learned counsel for the State, on the other hand, submits that the matter is pending before the Government. Further it is submitted that the Engineer-in-Chief has recommended to the Government for regularization of the period of the petitioner vide his letter dated 14.09.2020 and again on 01.04.2011, Engineer-in-Chief, Water Resources.

7. In such view of the matter, learned counsel for the State submits that he has no objection, if a direction is given to the Principal Secretary, Water Resources Department, Odisha, Bhubaneswar-Opposite Party No.1 to consider the case of the petitioner in the light of the recommendation made by the Engineer-in-Chief in which basing on the letter dated 14.09.2020 in accordance with law within a stipulated period of time.

8. Considering the submissions made, this Court thinks it proper to dispose of the writ petition at the stage of admission with a

direction to the Principal Secretary, Water Resources Department, Odisha, Bhubaneswar-Opposite Party No.1 to take a decision in the matter keeping in view the letters dated 14.09.2020 as well as 01.04.2011, which have been annexed to the writ petition as Annexure-7 series and to take a decision in accordance with law within a period of two months from the date of production of certified copy of this order. In the event it is found that the period of duty should be regularized in view of the order passed by the appellate authority, the same be regularized within one month thereafter. It is needless to mention here that the case of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

9. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge