

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAPPC) No. 288 of 2017

Santosh Kumar Nayak and another

.....

Petitioners

Ms. B. Pattnaik, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

29.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Ms. B. Pattnaik, learned counsel for the petitioners and learned State Counsel appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to regularize their services taking into account their continuous service of more than 15 years, as has been done in favour of the other similarly situated persons as per Government Circular and in terms of the principle decided in ***Secretary State of Karnataka and Others v. Umadevi (3) and Others***, (2006) 4 SCC 1 and in ***State of Karnataka & others Vrs. M.L. Kesari & others*** involving SLP(C) No.15774/2006.

4. Learned counsel for the petitioners submits that the petitioners were engaged on monthly remuneration basis. They have already rendered more than 15 years of service under the opposite parties and therefore, seeks for regularization of services in view of the judgment passed by the Hon'ble apex Court in ***Secretary State of Karnataka and others v. Umadevi (3) and others***, (2006) 4 SCC 1 and in ***State of Karnataka & others Vrs. M.L. Kesari & others*** involving SLP(C) No.15774/2006.

5. Considering the contentions raised by the learned counsel for the petitioners and after going through the records, it appears that the petitioners have rendered service for more than 15 years on monthly remuneration basis. Therefore, the case of the petitioners is squarely covered by the ratio decided in the cases cited supra. In that view of the

matter, this Court disposes of this Writ Petition directing the opposite parties to consider the case of the petitioner and regularize his services keeping in view the judgment in the case of *Secretary State of Karnataka and others v. Umadevi (3) and others*, (2006) 4 SCC 1 and in *State of Karnataka & others Vrs. M.L. Kesari & others* involving SLP(C) No.15774/2006 and also the resolution of the G.A. Department dated 17.09.2013, within a period of four months from the date of communication of a copy of this order by the petitioner and grant consequential service benefits as due admissible to them.

It is further directed that in the event the petitioners are still continuing in their service, status quo as on today in respect of the services of the petitioners shall be maintained till a decision is taken in the matter by the opposite parties in terms of the above direction.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

