

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31435 of 2022

Ramachandra Ojha

....

Petitioner

Mr. A.K. Chhatoi, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Arnav Behera, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.11.2022

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 Standing Counsel appearing for the State-Opposite Parties.
3. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Parties to confer temporary status on him w.e.f. 04.09.2012 and absorb him against regular Group-D vacant post in terms of Finance Department Resolution dated 04.09.2012 under Annexure-3 from the date his junior Sri Binoda Kumar Pradhan and Sri Bichitrananda Sahoo were extended with such benefits with all consequential service and financial benefits, within a stipulated period of time.
4. Learned counsel for the Petitioner submits that initially the Petitioner as well as Binoda Kumar Pradhan and Sri Bichitrananda Sahoo were engaged as casual labourers in Fruit Preservation Organization, Samantarapr, Bhubaneswar under Horticulture Department. The Muster Roll of Fruit Preservation

Organization, Bhubaneswar for the period from 12.04.1993 to 20.03.2001 reveals the name of the present Petitioner appears at Serial No.2 with date of enrollment as 28.04.1987 whereas the name of Binoda Kumar Pradhan appears at Serial No.4 with date of enrollment as 29.8.1991 so far as the name of Sri Bichitrananda Sahoo is concerned, his name appears at Serial No.9 with date of enrollment as 06.04.1993.

5. In view of the above facts which are evident from the Muster Roll under Annexure-1, learned counsel for the Petitioner submits that although the authorities have conferred temporary status and absorbed the above named two persons, the case of the Petitioner has not been considered by conferring such status and absorbing him in service as against vacant Group-D post. It is further submitted that such conduct of the authorities is grossly discriminatory and arbitrary and it amounts to violation of Article-14 and 16 of the Constitution of India.

6. Learned Additional Standing Counsel appearing for the State-Opposite Parties, on the other hand, submits that the Petitioner has not approached the departmental authorities first. He further submits that if the Petitioner feels that any junior has been absorbed and his case has not been considered, he can always approach the authorities by bringing such fact to the notice of such authorities. He further submits that the Petitioner be directed to approach the Opposite Party No.3-Director of Horticulture, Odisha, Krushi Bhawan, Bhubaneswar by filing a detailed representation and in the event of such representation is filed, the Opposite Party No.3 shall consider and dispose of the

same in accordance with law within a stipulated period of time.

7. Having heard the learned counsel for the respective parties, this Court thinks it proper to dispose of the writ petition at the stage of admission by directing the Petitioner to file a fresh representation before the Opposite Party No.3-Director of Horticulture, Odisha, Krushi Bhawan, Bhubaneswar by highlighting the aforesaid facts in his grievance petition along with supporting documents within a period of three weeks from today and in the event such representation is filed before the Opposite Party No.3, the Opposite Party No.3 shall do well to consider and dispose of the same taking into consideration Annexures-3 and 5 Series in accordance with law by passing a speaking and reasoned order within a period of eight weeks from filing of such representation and the decision taken thereon shall be communicated to the Petitioner within two weeks thereafter. In the event, it is found that the Petitioner is senior to the above named persons, it is open to the authorities to take necessary action for conferring temporary status and absorb the service of the Petitioner within a period of one month thereafter.

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

(A.K. Mohapatra)
Judge