

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.1337 of 2019

Pratima Lal

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.10.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. B.B.Mohanty, learned counsel for Petitioner and Mr.Y.S.P.Babu, learned Addl. Government Advocate for the State-Opposite Parties.
- 3.** The present Writ Petition has been filed with the following prayer:-

“(i) The Original Application be allowed.

(ii) Necessary direction be made to the respondents to regularize the service of the applicant w.e.f. the date of regularization of her admitted juniors namely Braja Kishore Mishra and Saroj Kumar Nayak who were regularized by order dated 02.06.2009 of Industry Department with all consequential service and financial benefit.

(iii) And further this Court may be pleased to quash the observation made by G.A Department as communicated in letter dated 25.04.2015 forthwith or within the time stipulate by this Court.

(iv) And pass any other order/orders or direction/directions be issued so as to give complete relief to the applicant”.

4. Mr. Mohanty, learned counsel for the Petitioner submitted that vide communication available under Annexure-3, though the name of the Petitioner along with some other persons were recommended for their absorption in the regular establishment, but persons placed below the Petitioner and engaged subsequent to her were regularized vide order issued on 02.06.2009 under Annexure-10.

5. Mr. Mohanty, learned counsel for the Petitioner further submitted that the Petitioner is continuing on ad-hoc basis w.e.f. 27.03.1990 with regular scale of pay against the vacant post of Typist-cum-Despatcher. Accordingly, it is submitted that since persons placed below the Petitioner and engaged subsequent to her have been regularized w.e.f. the date of initial engagement as reflected in Annexure-10, the Petitioner is eligible and entitled to get the similar benefit. Even though notice of the Writ Petition was issued since 10.04.2019, but no counter affidavit has been filed by the learned Addl. Government Advocate, disputing the stand taken in the Writ Petition.

6. In view of the recommendation made under Annexure-3 and the order passed under Annexure-10, this Court is of the view that the Petitioner is also entitled to get similar benefit as has been extended in favour of the persons reflected in Annexure-10. Accordingly, this Court while disposing the Writ Petition directs the Opposite Party No.1 to pass appropriate order in the light of the order passed under Annexure-10 within a period of two months from the date of receipt of this order.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge