

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.1524 of 2019

***Abhay Kumar Sinha and
another***

....

Petitioners

-versus-

State of Odisha and others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.10.2022

**Order
No.**

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard the learned counsel for the Petitioners and Mr. R.N. Mishra, learned Additional Government Advocate appearing for the State-Opposite Parties.
 3. The present writ petition has been filed by the Petitioners with the following prayers:-

“(i) To direct the respondents to regularize the services of the applicant.

(ii) To direct the respondents to grant all financial and consequential benefits flowing from the order of regularization.

(iii) And pass such other order/orders as may be deemed fit and proper for the interest of justice.

4. It is submitted by the learned counsel for the Petitioners that though the Petitioners are continuing on D.L.R. basis since 1993 and their claim for regularization is covered by the order dated 11th January, 2019 passed by the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3289(C) of 2003 and O.A. No.1570(C) of 2013, but Opposite Parties are not taking any steps in absorbing the Petitioners in the regular establishment. Accordingly, it is submitted that necessary direction be issued to the Opposite Parties to absorb the Petitioners in the regular establishment.

5. Mr. R.N. Mishra, learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submits that the Petitioners prior to approaching this Court have not move before the competent authority seeking consideration of their grievance.

6. In view of such submission made by the learned counsel for the parties, this Court, while disposing of this writ petition, permits the Petitioners to make individual representation before the Opposite Party No.1-Secretary, Rural Development (R..D.), Department, Bhubaneswar seeking absorption of their services in the regular establishment. It is observed that if any such application is moved within three weeks from today, the Opposite Party No.1-Secretary, Rural Development (R..D.), Department,

Bhubaneswar shall take a lawful decision on the same within further period of three months. It is, however, observed that while taking such a decision, the order dated 11th January, 2019 passed by the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3289(C) of 2003 and O.A. No.1570(C) of 2013 shall be taken into consideration.

7. The Writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Debasis

