

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1872 of 2019

Balaram Bariha

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.12.2022

Order No

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.

3. The Petitioner has filed the present Writ Petition with the following prayer:-

“1. Direct the State/Respondents to consider the case of the applicant for regularization/absorption in any Class-IV post in Regular Estt. against the available vacancy taking into account the initial date of engagement as S.S. Mulia i.e.01.04.2004 with all service and financial benefits.

2. Direct the respondents more particularly to the Respondent No. 5 E.E. Nuapada Irrigation Divn. To release salary from 21.3.2019 and onwards to the applicant.

3. Pass any other order/(s) as deemed fit and proper in favor of the applicant.”

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioner to make a fresh representation before Opp. Party No.1 by enclosing all the relevant

documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, Opp. Party No.1 shall do well to take a lawful decision on the same and taking into account the order passed by the Hon'ble Apex Court in the case of *Secretary, State of Karnataka vs. Uma Devi (3), (2006) 4 SCC-1, State of Karnataka vs. M.L. Keshari, (2010) 9 SCC 247, Nihal Singh & Others vs. State of Punjab & Others, 2013 (14) SCC 65* and *Amarkant Rai vs. State of Bihar & Others, 2015 (8) SCC 265* within a period of three (3) months from the date of receipt of such representation. The order so passed by the Opp. Party No.1 be communicated to the Petitioners.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha