

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.1268 of 2019

Sri Nabaghana Behera

....

Petitioner

Mr. Basudev Barik, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.N. Das, ASC

CORAM:

JUSTICE M.S. RAMAN

ORDER

17.10.2022

Order No.

- 01.** 1. The Original Application No. 1268 of 2019 was filed before the State Administrative Tribunal, Cuttack Bench: Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 1268 of 2019.
2. The Petitioner, a displaced person, whose land was acquired by the State Government for Samal Barrage Project, was appointed on 1st September, 1981 on the basis of NMR. Subsequently, he was brought over to work charged establishment with effect from 2nd September, 1993. On an erroneous perception he was retrenched from service *vide* order dated 29th March, 2003 on payment of retrenchment compensation on the ground of surplus staff. However, the authority concerned having realized error committed withdrew the order of retrenchment and restored the service of the Petitioner as work charged employee. As a consequence

thereof, the Petitioner claims to have refunded the retrenchment compensation.

3. At this juncture, the Petitioner seeks to regularize of the period of disengagement *i.e.*, from 29th March, 2003 to 24th July, 2012.

4. Mr. Basudev Barik, counsel for the Petitioner placed realize on a Division Bench decision of this Court rendered in the case of *Madan Chandra Nayak vrs. Principal Secretary to Govt. of Orissa, Water Resources Deptt. And Others, W.P.(C) No. 6277 of 2014, disposed of on 19th April, 2022* and also an order dated 17th August, 2022 passed in *WPC(OAC) No. 4728 of 2016* in the case of *Lingaraj Sahoo Vrs. State of Odisha & Others*. Accordingly, he prayed for disposal of the present case in terms of the cited cases.

5. Mr. S.N. Das, Additional Standing Counsel though vehemently objected against the prayer of the Petitioner by distinguishing fact that the cases relied on were rendered with regard to some other projects. However, he accepts the position that though the petitioner was disengaged on 29th March, 2003, he was restored in service on 29th March, 2012.

6. Thus being admitted position of fact, the writ petition is disposed of in the light of the aforesaid judgment and order as cited by the learned counsel for the Petition. Therefore, it is directed that the Opposite Party No.2, namely, Engineer-in-Chief, Water Resources Department, Bhubaneswar to consider the case of the Petitioner and pass appropriate order in accordance with law, as expeditiously as possible,

preferably within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge

Laxmikant

