

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32395 of 2022

Sucharita Mohapatra and others *Petitioners*
Mr. B.S. Trupathy-1, Advocate
-versus-
State of Odisha and another *Opposite Parties*

Mr. P.K. Behera,
Standing Counsel for the Transport
Department.

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
07.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Standing Counsel for the Transport Department. Perused the writ petition as well as documents annexed to the writ petition.
3. The present writ petition has been filed by the petitioners with a prayer to allow the petitioners to continue in their services in the office of the R.T.O., Rourkela and R.T.O., Chhatrapur, Ganjam under the Opposite Party No.2 until disposal of the writ appeals or until continuance of the tenure of the Service Providing Agency M/s. Arifin Service Providing Agency up to March, 2023 or any further

new Service Providing Agency beyond March, 2023.

4. It is submitted by learned counsel for the petitioners that earlier the petitioners were filed writ petition for regularization of their services bearing W.P.(C) No.27367 of 2020 wherein it was pleaded that the petitioners were engaged as D.E.O. by the service providers agencies have allowed the petitioners continued as D.E.O. on outsource basis for almost a decade. Since their services were not regularized, they approached this Court by filing the above noted writ petition. This Court by detailed reason stated in judgment dated 21.12.2021 allowed the writ petition directed the Opposite Parties to regularize the service of the petitioners. Thereafter, the Transport Department preferred writ appeal before the division Bench of this Court, the division Bench of this Court while admitting the writ appeal has stayed the operation of the judgment dated 21.12.2021 passed by this coordinate Bench of this Court. In the meantime, the Opposite Parties have changed Service Provider Agency and new Service Provider Agency has taken over on 31.12.2021. It is alleged that new Service Provider Agency retained/engaged as D.E.O. by the previous agency and they have not reengaged the present petitioners.

5. It is further submitted by learned counsel for the petitioners that in view of the requirement referring to letter dated 03.11.2022

under Annexure-11. Further, learned counsel for the petitioners submits that the service of the 96 Additional Manpower are required for carrying out the job at the moment. Accordingly, the present writ petition has been filed by the petitioners for a direction to the authorities to reengage the petitioners through new Service Provider Agency till disposal of the writ appeal.

6. Mr. P. Behera, learned Standing Counsel for the Transport Department, on the other hand, submits that although the present petitioners were engaged earlier through Service Provider Agencies, the department has entered into an agreement with a new Service Provider Agency i.e. M/s. Arifin Service Providing Agency is fulfilled manpower of the department-Opposite Parties. Therefore, it is contended by Mr. Behera, Standing Counsel for the Transport Department appearing for the department submits that let the petitioners be allowed to approach the competent authority and in the event it is found that more manpower is required, the service of the petitioners shall be made very well by the respective R.T.Os.

7. Considering the aforesaid submissions and upon conspectus background of the facts of the case, this Court disposes of the writ petition at the stage of admission directing the petitioners to approach the respective R.T.Os. for engagement and in the event more

manpower is required by such R.T.Os. as has been engaged vide letter dated 03.11.2022 under Annexure-11, the Opposite Parties are directed to make necessary arrangement with the new Service Provider Agency and the petitioners be given engagement as has been enacted vide letter dated 03.11.2022 till final decision is taken on the writ appeal by division Bench of this Court.

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

Urgent certified copy of this order be granted on proper application.

Jagabandhu

