

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32411 of 2022

Biraja Prasad Nayak

.... Petitioners
Mr.S.B.Jena, Advocate

-versus-

State of Odisha & others

.... Opposite Parties
Mr.T.K.Patnaik, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
30.11.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel, for the State. Perused the writ application and the documents attached to it.
3. The Petitioner has filed the present writ application with the following prayer:

“Under the above facts and circumstances of the case, it is therefore humbly prayed that this Hon’ble Court may graciously be pleased to direct the Opposite Party No.1 to regularize the services of the Petitioner as per recommendations of advocate General, Odisha vide letter No.4515 dated 02.09.2021 and 920 dated 25.04.2022 at Annexure-11 and 13 respectively.

And further be pleased to direct the Opp.Parties to provide all consequential service benefits.

Or pass such other order/orders as this Hon’ble Court may deem fit proper on the basis facts and circumstances of these cases.”

3. It is submitted by the learned counsel for the Petitioner that the Petitioner is working as Peon in the Office of the Advocate General, Odisha, Cuttack since last 10 years on contractual basis. Although he has approached the learned Advocate General for regularization of his service, his services have not been regularized as of now. Further it is submitted by the learned counsel for the Petitioner that no step has been taken to obtain approval from the Government for regularization of service of the Petitioner.

4. Learned Additional Standing Counsel on the other hand submits that the case of the Petitioner has already been recommended to the Government and the Government has taken a decision in the matter. He further submits that on perusal of the writ application, it appears that the Petitioner has already approached the Principal Secretary, Law Department, Government of Odisha, Opposite Party No.1 by filing a representation on 14.10.2022. As it appears the same is pending before the Opposite Party No.1 for consideration. Therefore, learned Additional Standing Counsel submits that the Opposite Party No.1 be directed to take a decision in accordance with law on the pending representation within a stipulated period of time.

5. Considering such submissions made by the respective parties and on going through the factual background of the case and further upon examination of the documents filed along with the writ application, this Court deems it proper to dispose of the writ application at the stage of admission directing the Opposite Party No.1 to consider the representation of the Petitioner dated 14.10.2022 stated to be pending before him within a period of six weeks from the date of production of certified copy of this order. The decision so taken shall be communicated to the Petitioner within 10

days thereafter. It is needless to mention here that in the event it is found that the Petitioner is eligible to be regularized as per the relevant Rules and guidelines then necessary permission be accorded to regularize the services of the Petitioner.

6. With the aforesaid observation the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

RKS

