

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33443 of 2022

Premangini Singh

....

Petitioner

Mr. Laxmikanta Mohanty, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. T.K. Pattanaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.12.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue notice to the opp.parties calling upon them to file show cause as to why a direction shall not be issued to regularize the service of the petitioner as attendant in Class IV post with effect from 07.01.2010 as per judgment of Hon’ble Apex Court of India rendered in between Amarkanti Ray Versus State of Bihar reported in (2015) 8 SCC 265 as well as taking consideration the order of regularization issued by the opp.party no.3 dated 09.09.2014 and 24.09.2014 under Annexure-6 series and after hearing the parties be pleased to direct the opp.parties to regularize the service of the petitioner as Attendant in Class IV post with effect from 07.01.2010

or at least with effect from 18.09.2013 as have already been extended to similarly placed persons under Annexure-6 series and release all the service and financial benefits in his favour.

And further a direction be issued to the opp.parties to release all service and financial benefits in favor of the petitioner with effect from 07.10.2010 or at least with effect from 148.09.2013 and the arrears as due and admissible may kindly be calculated and release.

And pass any other order/orders, direction/directions as this Hon'ble Court may deem fit and proper.”

4. It is submitted by leaned counsel for the petitioner that initially, the petitioner was appointed as DLR and he was discharging his duty as Attendant in the office of the Opposite Party No.3. Thereafter, in the year 2007, the petitioner was engaged on contractual basis with Grade Pay. It is further contended by learned counsel for the petitioner that the petitioner has been continuing since the date of initial appointment without interruption. Therefore, he approached this Court for a direction to the Opposite Party No.3 for regularization of his service. It is also submitted by learned counsel for the petitioner that similarly situated persons have already been regularized in their services and in that context, learned counsel for the petitioner draws attention of this Court to Annexure-6 series.

5. Learned counsel for the State, on the other hand, submits that the G.A. Department vide its resolution dated 16th January, 2014 as thereby mechanism to consider the case of the petitioner for regularization as an Government employee. On perusal of the said resolution, it reveals that the High Power committee consisting of

Secretary of concerned department, Chairman of the concerned heads of the Department, State Administrative of the Department shall be members. It is further contended that the aforesaid committed as to examine the case of the petitioner for regularization of his service. Therefore, the petitioner should have approached the concerned department for placing the matter before the High Power committee to take decision. In such view of the matter, learned counsel for the State submits that let the petitioner be directed to approach the Secretary of the concerned department and Secretary of the concerned department also convened the aforesaid committee and consider the case of the petitioner within a stipulated period of time.

6. Considering the aforesaid submissions advanced by the parties, further taking into consideration the resolution of the G.A. Department dated 16th of January, 2014, this Court disposes of the writ petition by directing the petitioner to approach before the Secretary to Government, Health and Family Welfare Department, Bhubaneswar-Opposite Party No.1 within a period of two week from today along with certified copy of this order. In the event petitioner is approached before the Opposite Party No.1 within the aforesaid period, the Opposite Party No.1 as well as High Power Committee which provided Resolution dated 16th of January, 2014 referred to hereinabove the Secretary of the concerned department along with High Power Committee shall be considered the case of the petitioner in accordance with law within a period of eight weeks from the date of approach of the petitioner. The case of the petitioner shall be considered by passing a speaking and reasoned order within aforesaid time stipulated. Any decision taken on the same shall be communicated to the Petitioner within a period of two week

thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

