

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 40658 of 2021

Sworaj Das

.....

Petitioner

Mr. B.P. Tripathy, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.01.2022

Order No.

01

This matter is taken up by hybrid mode.

2. Heard Mr. B.P. Tripathy, learned counsel for the petitioner and Mr. S. Nayak, learned Addl. Standing Counsel for the State-opposite parties.

3. The petitioner has filed this application seeking direction to the opposite parties to regularize his services taking into account his continuous service of more than 8 years, as has been done in favour of the other similarly situated persons as per Government Circular and in terms of the principle decided in ***Secretary State of Karnataka and Others v. Umadevi (3) and Others***, (2006) 4 SCC 1 and in ***State of Karnataka & others Vrs. M.L. Kesari & others***, involving SLP(C) No.15774/2006.

4. Learned counsel for the petitioner submits that the petitioner was engaged on monthly remuneration basis. He has already rendered more than 8 years of service under the opposite parties and, therefore, seeks regularization of services in view of the judgment passed by the Hon'ble apex

Court in *Secretary State of Karnataka and others v. Umadevi (3) and others*, (2006) 4 SCC 1 and in *State of Karnataka & others Vrs. M.L. Kesari & others*, involving SLP(C) No.15774/2006.

5. Considering the contentions raised by the learned counsel for the petitioner and after going through the records, it appears that the petitioner has rendered service for more than 8 years on monthly remuneration basis. Therefore, the case of the petitioner is squarely covered by the ratio decided in the cases cited supra.

6. In that view of the matter, this Court disposes of this Writ Petition directing the opposite parties to consider the case of the petitioner for regularization of service keeping in view the judgment in the case of *Secretary State of Karnataka and others v. Umadevi (3) and others*, (2006) 4 SCC 1 and in *State of Karnataka & others Vrs. M.L. Kesari & others*, involving SLP(C) No.15774/2006 and also the resolution of the G.A. Department dated 17.09.2013, within a period of four months from the date of production/communication of certified copy of this order by the petitioner and grant consequential service benefits as due admissible to him.

Issue urgent certified copy as per rules.

Ashok

(DR. B.R. SARANGI)
JUDGE