

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 41066 of 2021

***Dhirendra Kumar Pradhan
and others***

.....

Petitioners

Mr. D. Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties
State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

01

This matter is taken up by video conferencing mode.

2. Heard Mr. D. Mohapatra, learned counsel for the petitioner and State Counsel for the State-opposite parties.

3. The petitioners have filed this application seeking direction to the opposite parties to regularize their services taking into account their 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 petitioners submits that the petitioners were engaged on monthly remuneration basis. They have already rendered more than 8 years of service under the opposite parties and, therefore, seek 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 petitioners and after going through the records, it appears that the petitioners have rendered service for more than 8 years on monthly remuneration basis. Therefore, the case of the petitioners 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 petitioners 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/authenticated copy of this order by the petitioners and grant consequential service benefits as due admissible to him. Till a decision is taken, the order under Annexure-10 dated 24.12.2021 shall not be given effect to.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.