

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 41318 of 2021

Baman Chandra Das

.....

Petitioner

Mr. P.K. Dhal, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

28.01.2022

Order No.

01

This matter is taken up by video conferencing mode.

2. Heard Mr. P.K. Dhal, learned counsel for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties for regularization of his service against the post of Sweeper in view of the order dated 16.04.2012 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1944(C) of 2001 and batch of cases.

4. Mr. P.K. Dhal, learned counsel for the petitioner contended that the petitioner stands on the same footing with the applicants in O.A. No.1944(C) of 2001 and batch of cases, which have been disposed of by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack vide order dated 16.04.2012 pursuant to which the applicants therein have been granted the benefit. It is contended that since the petitioner had not approached the Tribunal, the similar benefit has not been granted to him. In course of hearing,

learned counsel for the petitioner states that the petitioner may be permitted to move a fresh representation highlighting his grievances before the authority so that the same can be considered in the light of the order dated 16.04.2012 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1944(C) of 2001 and batch of cases in accordance with law.

5. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State opposite parties contended that the petitioner is a fence sitter and was watching the proceeding of the similarly situated persons, who had approached the Tribunal by filing the aforesaid O.A. When they succeeded, the petitioner, claiming the benefit at par with the applicants therein, has approached this Court seeking direction to implement the order passed by the Tribunal.

6. Considering the contentions raised by learned counsel for the parties, since the similar benefit has been extended to the similarly situated applicants by the authority pursuant to order dated 16.04.2012 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1944(C) of 2001 and batch of cases, the petitioner should not be discriminated. Therefore, this Court permits the petitioner to file a fresh representation within a period of two weeks from today ventilating his grievances before the authority. In the event the petitioner files such representation along with certified/authenticated copy of this order annexing the copy of order dated 16.04.2012 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A.

No.1944(C) of 2001 and batch of cases, the authority shall consider the same and pass appropriate order in accordance with law, taking into consideration the said order, within a period of three months from the date of filing of such representation along with certified/authenticated copy of this order.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

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.

Ashok

(DR. B.R. SARANGI)
JUDGE