

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41367 of 2021

Sushil Kumar Pattnaik

.....

Petitioner

Mr. S.K. Ojha, Advocate

Vs.

State of Odisha & others

.....

Opposite party

Addl. Govt. Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

04.01.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize his services taking into account his continuous service of more than 28 years 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 as casual labour on daily wage basis and continuing under the administrative control of opposite party no.5. He has already rendered more than 28 years of service and therefore, seeks for 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 v. M.L. Kesari & others** involving SLP(C) No.15774/2006 and in the case of **Nihal Singh and others v. State of Punjab**, AIR 2013 SC 3547 so also in **Prem Singh v. State of U.P.**, (2019) 10 SCC 516.

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 28 years on monthly remuneration basis. Therefore, the case of the petitioner is squarely covered by the ratio decided in the cases cited supra. 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 his services keeping in view the judgment in the case of **Umadevi, M.L. Kesari, Nihal Singh and Prem Singh** (supra), within a period of four months from the date of communication of the certified copy of this order by the petitioner and grant consequential service benefits as due admissible to him.

6. With the aforesaid observation and direction the writ petition is allowed.

7. Issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI)
JUDGE

