IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) Nos.27715, 27718 & 27721 of 2023
WP(C) No.27715 of 2023

Sambhari Jena **.....** ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha & Ors. **.....** ***Opposite Parties***
Mr. P.K. Panda, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
10.02.2025

Order No.02

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. Since similar issue is involved in all these 3 writ petitions, all the writ petitions were heard analogously and disposed of by the present common order.

4. All these writ petitions have been filed inter alia with the similar prayer, which reads as follows:-

> *"It is, therefore, prayed that this Hon'ble Court may graciously be pleased to admit this Writ petition, issue notice to the opposite parties and after hearing the parties, the order passed by Opp. party No.1 on dt. 02.05.2023 (Annexure-9) may kindly be quashed and the 4 petitioner may kindly be regularised in her service with effect from 31.07.2014 instead of 1.3.2021 along with all consequential service benefits in the interest of justice.*

And to issue any other writ or writs, direction or directions, order or orders as this Hon'ble Court deems fit and proper.

And for which act of kindness, the petitioner as in duty bound shall ever pray."

5. It is contended that though similarly situated NMRs/DLRs were regularized w.e.f.31.07.2014, but Petitioners when were regularized w.e.f.01.0.2021 vide order under Annexure-4, claiming extension of the benefit of regularization from the date similarly situated NMRs/DLRs were so brought over to the work charged establishment w.e.f.31.07.2014, Petitioners made representation before Opp. Party No. 1 under Annexure-6.

5.1. It is contended that such claim of the Petitioners when was not considered, they approached this Court by filing individual writ petitions. This Court when directed for consideration of the claim of the Petitioners, the same was rejected vide the impugned order dtd.02.05.2023, inter alia on the ground that since Petitioners approached this Court for the first time in the year 2020 seeking regularization of their services, no further benefit is entertainable.

5.2. Learned counsel appearing for the Petitioners contended that on the face of extension of the benefit of regularization in favour of similarly situated NMRs/DLRs w.e.f.31.07.2014, Petitioners when were not extended with similar benefit in spite of repeated approach, they approached this Court initially in the year 2020. Pursuant to the order by this Court, when they were regularized w.e.f.01.03.2021 vide order under Annexure-4, claiming benefit of regularization from the date similarly situated employees were so regularized w.e.f.31.07.2014, Petitioners made grievance before

the Govt.-Opp. Party No. 1. As the same was not considered, they approached this Court once again and pursuant to the order of this Court claim of the Petitioners has been rejected vide the impugned order dt.02.05.2023 under Annexure-9. It is accordingly contended that the ground on which claim of the Petitioners has been rejected is not sustainable in the eye of law and it requires a fresh consideration taking into account the benefit extended in favour of similarly situated NMRs/DLRs w.e.f.31.07.2014.

6. Even though notice of the writ petition has been issued since 02.09.2023, but no counter affidavit has been filed as yet. However, basing on the available materials, learned Addl. Standing Counsel contended that, since on consideration it was found that Petitioners for the first time moved this Court in the year 2020, seeking regularization of their service and in terms of the said order, they were regularized vide order dtd.01.03.2021 under Annexure-4, no further claim at their instance is entertainable. It is accordingly contended that no illegality or irregularity can be found with the impugned order.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that claiming extension of the benefit of regularization from the date similarly situated DLR/NMRs were so regularized w.e.f.31.07.2014, Petitioners approached this Court by filing individual writ petitions in the year 2020. Pursuant to the order passed by this Court, Petitioners when were regularized vide order dtd.01.03.2021 under Annexure-4, Petitioners claiming similar benefit as has been extended in favour of similarly situated DLR employees, who have been brought over to the work charged

establishment w.e.f.31.07.2014, made their grievance before Opp. Party No. 1.

7.1. As the same was not considered, Petitioners once again approached this Court by filing individual writ petitions. Pursuant to the order passed by this Court, claim of the Petitioners though was considered, but has been rejected on the ground that since Petitioners for the first time approached this Court in the year 2020 seeking regularization of their services, no further claim at their instance is entertainable.

7.2. Considering the materials available, it is the view of this Court that since after their regularization vide order dtd.01.03.2021 under Annexure-4, Petitioners raised grievance for extension of similar benefit as has been extended in favour of similarly situated NMRs/DLRs w.e.f.31.07.2014, they filed individual representation before Opp. Party No. 1 under Annexure-6. As the same was not considered, Petitioners approached this Court in different writ petitions and pursuant to the order passed by this Court, such claim of the Petitioners has been rejected only on one ground that Petitioners since had approached this Court for the first time in the year 2020, no further claim is entertainable.

7.3. This Court taking into account the nature of order passed on 01.03.2021 and the grievance raised by the Petitioners in their representation dtd.22.02.2022, is of the view that claim of the Petitioners could not have been rejected on the ground indicated in the impugned order. Petitioners since are claiming similar benefit, date or year of approach has no meaning. Therefore, this Court while quashing order dtd.02.05.2023, directs Opp. Party No. 1 to take a fresh decision on the Petitioner's claim with regard to their

entitlement to get the benefit of retrospective regularization to the work charged establishment w.e.f.31.07.2014.

7.4. This Court accordingly directs Opp. Party No. 1 to pass a fresh order in terms of the earlier direction issued by this Court in the writ petitions in question within a period of three (3) months from the date of receipt of this order.

8. All the writ petitions stands disposed of accordingly.

Photo copy of the order be placed in the connected case records.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified
Digitally Signed
Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 12-Dec-2025 12:08:09