



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8350 of 2025

Biswanath Pradhan

.....

Petitioner

Represented By Adv. -
Saswati Mohapatra

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. U.C. Jena, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

25.03.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as documents annexed thereto.
3. The Petitioner has filed the present writ application with the following prayer:

“Under the aforesaid facts and circumstances, it is therefore, prayed that this Hon'ble Court may graciously be pleased to:

- (i) *direct/order the State Opp.Parties to regularize the service of the Petitioner, within a stipulated period as may be prescribed by this Hon'ble Court for the*



interest of justice;

(ii) *pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice.”*

4. It is stated by the learned counsel for the Petitioner that the Petitioner was initially working as Work Sarkar under Redhakhol N.A.C. since last 26 years. He further contended that although regular vacancies are there, however, due to inaction on the part of the Director, Municipal Administrator, Government of Odisha, the service of the Petitioner has not been regularized by the concerned N.A.C. He further contended that since the date of his re-engagement he has been working sincerely without any disruption in his service. Learned counsel for the Petitioner further submitted that although the petitioner has approached the Opposite Parties for regularization of his service by filing a representation, however, no decision has been taken on such representation as of now. Being aggrieved by such conduct of the Opposite Parties, the Petitioner has approached this Court by filing the present writ application. In course of his argument learned counsel for the Petitioner referred to the judgment of this Court in ***Krushna Chandra Bhoi vs. State of Odisha and others*** in ***W.P.(C) No.26542 of 2022*** decided on 07.01.2025 and the judgments of a co-ordinate bench in ***Jayakrushna Jena and others vs. Sate of Odisha and others*** in ***W.P.C(OAC) No.4672 of 2016*** decided on 28.02.2025. He also referred to the judgment of the Hon'ble supreme Court in the case of ***Secretary, State of Karnataka –v.- Uma Devi***, reported in ***(2006) 4 SCC 1*** and ***Amarkant Rai v. State of Bihar***, reported in ***(2006) 4 SCC 1***, in ***Jaggo vs. Union of India and Others***, reported in ***2024 SCCOnline SC 3826***, in ***Sripal and Anr. vs. Nagar***



Nigam, Gaziabad (decided on 31st January, 2025) in *Civil Appeal No.8158-8179 of 2024* and *State of Karnataka-v.-M.L. Kesari*, reported in *(2010) 9 SCC 47*. He further contended that taking into consideration the period of service the Petitioner has rendered over the years, the Opposite Parties should have considered the case of the Petitioner for regularization of his service. He further contended that although the petitioner was appointed on contractual basis, however the nature of duties, he was performing as perennial in nature.

5. Learned counsel for the State on the other hand contended that although he has no instruction in the matter. However, on perusal of the writ application it appears that the present writ application has been filed with a prayer for regularization of service of the Petitioner. He further contended that on perusal of the writ application it appears that the petitioner has already approached the Opposite Parties. In the event the representation is still pending, he will have no objection if this Court directs the Opposite Parties to consider the representation of the Petitioner, keeping in view the judgments referred to hereinabove within a stipulated period of time.

6. In view of the aforesaid limited nature of grievance of the Petitioner, this Court disposes of the writ petition granting liberty to the Petitioner to file a fresh representation before the Opposite Party No.1 ventilating his grievance within a period of two weeks along with all supporting documents. If such a representation is filed within the time stipulated, the same shall be considered and disposed of by the Opposite Party No.1 taking into consideration the judgments referred hereinabove within a period of eight weeks from the date of filing representation by passing a speaking and reasoned order. The



decision so taken on the same shall be communicated to the Petitioner within a period of ten days from the date of taking such a decision.

7. With the aforesaid observations and directions, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout