



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13617 of 2021

Naresh Chandra Nayak

Petitioner

Mr. T. Pattanayak, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. P.K. Panda, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.03.2026

Order No.

- 13.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard Mr. T. Pattanayak, learned counsel appearing for the Petitioner, Mr. P.K. Panda, learned Addl. Standing Counsel. None appeared in spite of due appearance on behalf of the private Opposite Parties.
- 3.** Petitioner has filed the present Writ Petition *inter alia* with the following prayer:-

“Under the above circumstance, it is therefore, humbly prayed that this Hon'ble Court may graciously be pleased to issue notices to the Opp. Parties, calling upon them to show cause as to why the order dtd.22.12.2020 under Annexure-8 and order No.1572, dtd.15.02.2021 under Annexure-10 to this writ application passed by the Opp. Party No.3 and 4 respectively shall not be quashed, if the Opp. Parties fail to show cause or show insufficient cause, this



Hon'ble High Court may graciously be pleased to allow this writ application by directing the opp. Parties more particularly to the Opp. Party No.2 and 3 respectively to prepare a fresh gradation list by taking into the consideration made by the petitioner vide Annexure-5 to this writ application and regularize the service of the petitioner in due procedure of law, by quashing the order dtd. 15.02.2021 under dtd.22.12.2020 under Annexure-8 Annexure-10 to this writ application; and order

And pass any other order/orders, direction/directions and/or issue any writ/writs as deem fit and proper in the interest of justice;

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

4. It is contended that Petitioner was engaged as a NMR in the establishment of Opposite Party No.4 on 01.07.1988 and while continuing as a NMR, Petitioner was brought over to the work charged establishment w.e.f. 01.09.2009 in terms of the order dtd.31.08.2009 of Opposite Party No.3 under Annexure-3. However, while continuing in the work charged establishment, when a gradation list was published by Opposite Party No.4 vide order dtd.10.06.2020 under Annexure-4, Petitioner made a representation under Annexure-5, with a prayer to rectify the said gradation list and for placing him at the appropriate place.

5. It is contended that such claim of the Petitioner as made in his representation dtd.18.06.2020 under Annexure-5, when was not considered, he approached this Court by filing W.P.(C) No.2523 of 2021. This Court vide order dtd.25.01.2021 when directed for



consideration of the Petitioner's claim, the same was rejected vide order dtd.15.12.2021 under Annexure-10 so impugned in the present Writ Petition.

6. However, in course of hearing, learned counsel appearing for the Petitioner contended that since Petitioner during pendency of the Writ Petition has already retired on attaining the age of superannuation on 31.01.2024, while continuing in the work-charged establishment, and taking into account the fact that petitioner continued as a NMR w.e.f., 01.07.1988 and in the work-charged establishment w.e.f. 01.09.2009 till his retirement on 31.01.2024, liberty be given to the Petitioner to make an appropriate application to extend the benefit of pension and pensionary benefits by regularizing his service just prior to one day of his retirement.

7. In support of his submission reliance was placed to a decision of the Hon'ble Apex Court in the case of **Jaggo vs. Union of India & Ors., 2024 SCC OnLine SC 3826; Shripal & Anr. vs. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221**, as well as **Dharam Singh & Ors. vs. State of U.P. & Anr. (Civil Appeal No(s).8558 of 2018** and another decision of the Apex Court in the case of **Bhola Nath Vs. State of Jharkhand and Others, 2026 INSC 99**.



8. Learned Addl. Standing Counsel however contended that taking into account the issue involved, the writ petition has become infructuous.

9. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while disposing the Writ Petition permits the Petitioner to make an appropriate application before Opposite Party No.3 for regularization of his services for the purpose of sanction of pension and pensionary benefits within a period of three (3) weeks hence.

9.1. It is observed that if any such representation will be filed within the a period of three(3) weeks hence, Opp. Party No.3 shall do well to take a lawful decision on the same within a period of three (3) months from the date of receipt of such application. The order so passed by Opp. Party No.3 be communicated to the Petitioner.

9.2. While taking such a decision relevancy and effect of the decision in the case of **Jaggo, Shripal Dharam Singh & Bhola Nath** so cited supra be considered in its proper perspective.

10. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge