



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.13208 of 2026

Sarat Kumar Kachhia

.....

Petitioner

Represented by Adv. -
Braja Kishor Panda

-versus-

State Of Odisha and others

.....

Opposite Parties

Represented by Adv. –

Mr. S.K. Parhi, ASC

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

05.05.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 the prayer made therein.
3. By filing the present writ application the petitioners has sought for the following relief:

“In the aforesaid facts and circumstances, it is therefore most humbly prayed that this Hon'bie Court may graciously be pleased to consider the facts stated in the writ petition, admit the same, issue Rule NISI calling upon the Opp.Parties to show cause and Issue a writ in the nature of Mandamus directing the Opposite Party No.2 and 3 to Release the entire arrear salary of the petitioner by Regularize the services of the petitioner as 4th Peon as per the order passed by this Hon'bie Court vide order dated 30.06.2017 passed in QIC No. 6862 of 2000 within a stipulated time; If the Opp. Parties fail to show cause or show insufficient cause then



the rule may kindly be made absolute.

And/or pass any other order/orders, direction/directions, writ/writs as this Hon'ble Court may deem just and proper;

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

4. Learned counsel for the Petitioner at the outset contended that the Petitioner on the basis of the decision of the Managing Committee of the Education Institution was appointed as a 4th Peon on 07.12.1990. Thereafter, he was issued with the appointment order and accordingly, the Petitioner joined in duty on 13.02.1991. While this was the position, the Inspector of School, Kalahandi informed the headmaster of the school that as per the decision of the Government vide letter dated 19.07.1996 if the Roll Strength of the school is more than 100 and the school is entitled to appoint a 4th Peon/Draftary he must have been appointed prior to 31.03.1991 and the service of such 4th Peon is liable to be regularized.

5. By virtue of the order dated 21.10.1999 the Inspector of School, Kalahandi is directed to stop the salary of the present Petitioner. Challenging such decision, the Petitioner filed OJC No.6862 of 2000. A coordinate Bench of this Court after hearing the learned counsel for both side, disposed of the writ application vide order dated 30.06.2017 thereby directing the Opposite Party No.1, Director, Secondary Education, Odisha to regularise the service of the Petitioner and to release the arrear salary and current salary within a period of eight weeks. The order dated 30.06.2017 has not been challenged further by State-Opposite Party and has, therefore, attained finality.



6. Since the order dated 30.06.2017 was not implemented by the Opposite Party, the Petitioner was compelled to approach this Court by filing CONTC No.367 of 2018. A coordinate Bench vide order dated 16.03.2018 while disposing of the contempt application granted further three months' time to the State-Opposite Parties to implement the order dated 30.06.2017 passed in the abovenoted writ application. Despite such order of the writ application and thereafter in the contempt application, the order dated 30.06.2017 has not been implemented. Learned counsel for the Petitioner at this juncture contended that although the order dated 30.06.2017 remains unimplemented, the Petitioner is unable to file contempt application as the same is barred by limitation and accordingly, the Petitioner has again approached this Court by filing the present writ application.

7. Learned counsel for the State on the other hand contended that the prayer made in the present writ application is barred by limitation and that the present writ application is not maintainable. He further submitted that earlier the Petitioner has approached this Court and this Court disposed of the writ application of the Petitioner in the year 2017 and thereafter the Petitioner has not taken any step to ensure that the order passed by this Court is implemented. In such view of the matter, learned counsel for the State contended that the prayer of the Petitioner is barred by limitation.

8. Having regard to the submissions made by learned counsels appearing for the respective Parties, on a careful examination of the background facts as well as submission made by learned counsels appearing for respective Parties, this Court observed that



the Petitioner earlier approached this Court by filing OJC No.6862 of 2000 which was disposed of by order dated 30.06.2017. While disposing of the said writ application, the learned coordinate Bench while taking note of the judgment in ***State of Odisha & Ors. vs. Rajendra Kumar Das & another*** decided in Civil Appeal No. OJC No.6844 of 2003 by the Hon'ble Supreme Court of India read with the Government Circular of the year 2008 disposed of the writ application with a direction to the Opposite Party No.1 to regularize the service of the Petitioner and to pay him the arrear and current salary within a period of eight weeks. Learned counsel for the State on the other hand could not produce any document to establish that the aforesaid decision of this Court has been unsettled by any higher forum, thus this Court has every reason to believe that the decision dated 30.06.2017 has already attained finality. In such view of the matter, this Court is of the view that the matter requires no further adjudication as the same has already attained finality, Accordingly, the Opposite Parties are directed to implement the order dated 30.06.2017 within three months from the date of communication of certified copy of today's order.

9. With the aforesaid observation/ direction, the writ application stands disposed of.

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

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-May-2026 13:17:49

