

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22445 of 2016

Santosh Kumar Naik

....

Petitioner

*Ms. S. Mohapatra,
Advocate*

-versus-

Union of India & others

....

Opposite Parties

*Mr. S.S. Kashyap,
Central Government Counsel*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

31.03.2023

I.A. No.4537 of 2023

Order No.

07.

1. This matter is taken up through hybrid mode.
2. This matter got listed under the heading "For Orders" for consideration of the I.A. on being mentioned by the learned Counsel for the Petitioner because of the urgency as indicated in the I.A.
3. Heard Ms. S. Mohapatra, learned counsel for the Petitioner, so also Mr. S.S. Kashyap, learned Central Government Counsel for the Opposite Parties.
4. This I.A. has been filed by the Petitioner with a prayer to direct the Opposite Party No.3 not to take any coercive action against him till disposal of the Writ Petition. Further, prayer has been made to fix a date for early hearing and disposal of the Writ Petition.
5. In the internal communication dated 23rd March, 2023, which is annexed to the I.A. as Annexure-12, clarification has been sought for by the Additional Director, CGHS, Bhubaneswar

from the Director General of CGHS, Bhubaneswar as to whether the Petitioner and similarly placed outsourced persons are to be allowed to work in the organization i.e. CGHS, Bhubaneswar with effect from 01.04.2023 or not to permit them to enter into the premises of the wellness centers and Office of the Additional Director, CGHS Bhubaneswar in terms of the direction specified in the letter dated 01.12.2022. The relevant portion of the said communication is extracted below:

“Therefore in the light of interim order passed by Hon’ble High Court of Orissa, Cuttack and observation made by labour enforcement officer (Central-II) Government of India, Bhubaneswar on dt-12/12/2022, kindly, convey whether such out sourced persons may be allowed to work in the organization (i.e. CGHS Bhubaneswar) w.e.f. 01/04/2023 or otherwise as the direction specified in letter no.A-22012/01/2021-CGHS-I Dt-01/12/2022 does not permit them to enter into the premises of the wellness centers and O/o the Additional Director, CGHS Bhubaneswar. Further course of action will be taken accordingly.”

In view of the aforesaid communication, the Petitioner is apprehensive that he may not be allowed to enter into the premises where he is working after 31st March, 2023.

6. Though a copy of the I.A. has been served on the learned Counsel for the Opposite Parties since 29.03.2023, no objection has been filed opposing the prayer made in the I.A. However, Mr. Kashyap submits that the tenure of the Service Provider is going to expire on 31.03.2023. Hence, such a clarification was sought for by the Additional Director, CGHS, Bhubaneswar from the Director General of CGHS, Ministry of Health & F.W,

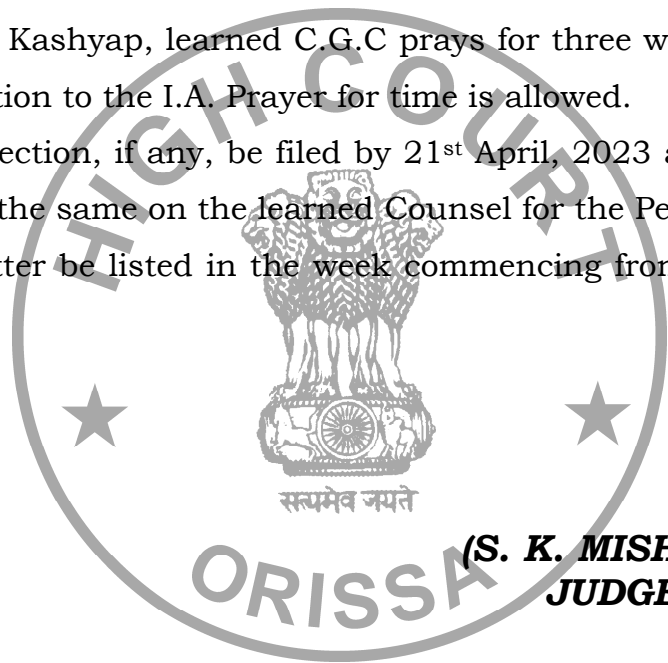
Bhubaneswar.

7. As is ascertained, an interim order was passed on 21st February, 2017 by this Court not to take any action in the matter of filling up one post of Peon at Central Government Health Scheme, Bhubaneswar until further orders. Admittedly, the Petitioner is working since 2005 till date, as Peon after facing due selection process and despite change of contractors from time to time and even in absence of contractor. Since there is threat of disengagement after 31st March, 2023, as has been rightly apprehended by the Petitioner, as an interim, this Court directs that status quo as on today be maintained with regard to engagement of the Petitioner till the next date.

8. Mr. Kashyap, learned C.G.C prays for three weeks time to file Objection to the I.A. Prayer for time is allowed.

9. Objection, if any, be filed by 21st April, 2023 after serving a copy of the same on the learned Counsel for the Petitioner.

10. Matter be listed in the week commencing from 24th April, 2023.



(S. K. MISHRA)
JUDGE

Prasant