



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.15928 of 2022

Ranjan Kumar Parida

....

Petitioner

Mr. S. Patra-1, Adv.

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.P.Das, ASC

COROM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

Order
No

ORDER
23.02.2026

8. 1. This matter is taken up through Hybrid Mode.
2. Heard further argument of the learned counsel appearing for the parties.
3. The present Writ Petition has been filed inter alia with the following prayer:

Under the facts and circumstances stated above, the petitioner therefore prays that, this Hon'ble Court may graciously be pleased to issue a Writ/Writ(s) in the nature of a writs of certiorari quashing the Order dtd.30.06.2001 and 08.11.2021 under Annexure-1 & 3 respectively.

And further be pleased to issue a Writ/Writ(s) in the nature of a writ of Mandamus directing the Opposite Parties to reengage the petitioner with all back wages and all other consequential benefits with arrears within a stipulated time. In alternative Opposite Parties be directed to bring the petitioner over the work charged establishment after completion of two years of service as NMR and allow pension taking into the work charged period as has been



given to other retrenched work charged employees with other benefits.

And pass any other order/orders as would be deemed fit and proper.

4. It is contended that while continuing as an NMR, Petitioner on being declared surplus was retrenched from his services w.e.f 31.07.2001 vide order dt. 30.06.2001 under Annexure-1. Even though such order of disengagement was challenged before the Tribunal by filing the Original Application, but the Tribunal vide its judgment dt.31.01.2013 under Annexure-2 while disposing the batch of O.As, issued the following direction in Para-7 & 8 of the order:

7. Considering the submissions made by the learned counsel for both the parties, the respondent authorities are directed to allow the applicants to continue in the work-charged establishment, if they are continuing as on date in the continuing Project where they were working on the strength of the order of the Hon'ble Supreme Court or Hon'ble High Court or Tribunal till the project will continue and in case those Projects are to be closed or already closed, on closure of the Projects, even if they have been terminated from their services, then also they will be reengaged in any other existing project or in the new projects, where ever work and funds are available. As such on closure of the old projects, if any new project shall be taken ...

8. However, the NMR/DLR/work-charged employees who are continuing in their respective (present) Projects, on closure of the projects, if any care of them shall not be willing to go to work in the new project or offer existing projects, the respondent authorities are at liberty to take steps to retrench them from their services, following due procedure, for which this Tribunal expresses no opinion.

4.1. It is contended that on the face of such direction issued by the Tribunal. Petitioner's claim for re-engagement was rejected vide the



impugned order dt.18.11.2021 under Annexure-3. It is however contended that there are available vacancies in which Petitioner can be re-engaged as a NMR.

5. Learned Addl. Standing Counsel on the other hand contended that since the order of retrenchment was never interfered with by the Tribunal and Tribunal only issued certain directions in its order dt.31.01.2013, Petitioner is not eligible and entitled to get the benefit of re-engagement.

6. Having heard learned counsel appearing for the parties and considering the submission made and taking into account the nature of direction issued by the Tribunal in its order dt.08.11.2021 under Annexure-2, this Court while disposing the Writ Petition permits the Petitioner to move an appropriate application seeking his re-engagement before Opp. party No.2.

6.1. It is observed that if any such representation will be filed within a period of 3(three) weeks hence, Opp. Party No. 2 shall do well to take a lawful decision on the same within a period of 3(three) months from the date of receipt of such representation. The order so passed by Opp. Party No. 2 be communicated to the Petitioner.

6.2. Rejection of the Petitioner's claim so made vide order dt.18.11.2021 by Opp. party No.3 under Annexure-3 shall not be taken into consideration while reconsidering the claim of the Petitioner in terms of the present order.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita