



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18762 of 2023

Satyabrata Behera

....

Petitioner

Mr. G.R. Sethi, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. P.P. Behera, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No.

23.02.2026

10. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. The present Writ Petition has been filed *inter alia* challenging the rejection of the Petitioner's claim to get the benefit of regularization vide the impugned order dtd.26.08.2022 so passed by Opposite Party No.1 under Annexure-7.

4. Learned counsel appearing for the Petitioner contended that claiming benefit of regularization, Petitioner was before this Court in W.P.(C) No.11081 of 2020. This Court vide order dtd.25.04.2022 under Annexure-6 while disposing the Writ Petition issued the following direction so contained in Para-19 of the orders:-

“19. Finally after taking into consideration the facts and circumstances of the present case and keeping in view the aforesaid analysis of law, this Court is of the



considered view that the case of regularization/absorption of service of the Petitioner and similarly other persons needs to be reconsidered by the State Government as has been recommended by the Opposite Party No.2 in its letter dated 29.06.2018 under Annexure-5 and keeping in view the direction of the Orissa Administrative Tribunal in O.A.No.2790 of 2015 dated 22.07.2016. Accordingly, this Court directs the Opposite Party No.1 to consider the case of regularization of service of the Petitioner and if necessary regular post of Junior/Senior Stenographers be created in the Office of the cadre P.P./A.P.P. with the concurrence of the Finance Department in accordance with law within a period of four months from today. It is further directed that the service of the Petitioner shall not be substituted by another set of contractual employee by whatever means including outsourcing basis till such regular posts are created and a policy be framed and adopted for appointment of regular Stenographers in the Office of the cadre P.P./A.P.Ps.”

4.1. Learned counsel appearing for the Petitioner contended that without complying the order in letter and spirit and instead of creating the post with due concurrence of the Finance Department as directed, claim of the Petitioner was rejected, only on the ground that at the time of his appointment as a contractual employee since Petitioner had given an undertaking that he will not claim for regularization in future, Petitioner is not eligible and entitled to get the benefit.

4.2. It is contended that since the ground on which, Petitioner's claim has been rejected, is not in terms of the order passed by this Court in W.P.(C) No.11081 of 2020, the said order is not sustainable in the eye of law and the matter requires a fresh consideration.



5. Learned Addl. Standing Counsel for the State on the other hand while supporting the impugned order contended that since Petitioner at the time of his initial appointment had furnished an undertaking that he will not claim any regularization in future, in view of the said undertaking, claim of the Petitioner has been rightly rejected.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that after being appointed as a contractual Sr. Stenographer vide order dtd.31.03.2003 under Annexure-2, Petitioner on the face of such long continuance when was not regularized, he approached this Court by filing W.P.(C) No.11081 of 2020. This Court vide order dtd.25.04.2022 under Annexure-6, while disposing the Writ Petition directed the Opposite Parties to consider the claim of the Petitioner with due creation of the posts and by taking prior concurrence of the Finance Department. This Court also protected the interest of the Petitioner vide the said order.

6.1. However, it is found that only on the ground that Petitioner since had given an undertaking at the time of his initial appointment that he will not claim any regularization in future, Petitioner's claim has been rejected vide the impugned order dtd.26.08.2022 under Annexure-7.



6.2. This Court taking into account the nature of order passed by this Court in the earlier Writ Petition and the ground of rejection of his claim vide the impugned order is of the view that order passed by this Court has not at all been followed while rejecting the Petitioner's claim.

6.3. Therefore, in view of the aforesaid analysis, this Court is inclined to quash order dtd.26.08.2022 so passed by Opposite Party No.1 under Annexure-7. While quashing the said order, this Court remits the matter to Opposite Party No.1 to take a fresh decision on the Petitioner's claim, strictly in terms of order dtd.25.04.2022 so passed in W.P.(C) No.11081 of 2020 under Annexure-6. This Court directs Opposite Party No.1 to pass a fresh order within a period of three (3) months from the date of receipt of this order as directed.

7. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat