

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 498 of 2020

State of Odisha

....

Appellant

Mr. M.K. Khuntia, Additional Government Advocate

-versus-

Padmanava Pradhan and others

....

Respondents

Mr. Jayant Kumar Rath, Senior Advocate

Mr. Sisir Kumar Purohit, Advocate

Mr. Sushanta Kumar Pradhan, Advocate

CORAM:

THE CHIEF JUSTICE

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

18.03.2024

Order No.

22.

This matter is taken up through Hybrid mode.

2. Applying the ratio laid down by the Supreme Court in case of *Secretary, State of Karnataka & others v. Umadevi & others; 2006(4) SCC 1, State of Jharkhand v. Kamal Prasad; 2014(7) SCC 223* and *Narendra Kumar Tiwari v. State of Jharkhand; 2018(8) SCC 238*, the learned Single Judge by a judgment and an order, which are impugned in the present intra-Court appeal, has directed regularization of services of the present respondents against the post of Junior Assistant in Sambalpur University, Sambalpur.

3. It is the case of the appellant, i.e. the State of Odisha that the Supreme Court's decisions in the aforesaid cases do not apply in the case of the respondents as they were not engaged on contractual basis against the sanctioned posts. It is definite case of the appellant

that the posts of Executive Assistant, against which the respondents were appointed, were not sanctioned.

4. Mr. Jayant Kumar Rath, learned Senior Counsel appearing on behalf of the respondents, on the other hand, has submitted that he is in a position to demonstrate that the post of Executive Assistants were sanctioned against which the present respondents were appointed on contractual basis. Therefore, he seeks an adjournment to satisfy this Court on this point by referring to various documents available on record.

5. As requested, list this matter on 27.03.2024 at 2.00 pm.

6. On the next date, the Court will also consider the stand of the State of Odisha relying on the Supreme Court's decision in case of *University of Delhi v. Delhi University Contract Employees Union; 2021 SCC OnLine SC 256*.

(Chakradhari Sharan Singh)
Chief Justice

(M.S. Raman)
Judge

S. Behera