



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.19731 of 2025

Lingaraj Sarangi

.....

Petitioner

Represented By Adv. -
Krishna Chandra Sahu

-versus-

1) State Of Odisha

.....

Opposite Parties

- 2) Principal Secy., Finance
- 3) Engineer In Chief, Water
Resources Dept., Bbsr
- 4) Chief Engineer, Quality Assurance,
Hydrometry Building, Bbsr
- 5) Addl. Chief Engineer, Quality
Assurance Circle Central, Bbsr
- 6) Superintending Engineer, Quality
Assurance Division, Bbsr
- 7) Accountant General A And E, Bbsr

Represented By Adv. –
Mr.D.N.Lenka, AGA
Mr.S.K.Patra, Standing
Counsel for A.G.Odisha

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
21.07.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as
 learned Additional Government Advocate and Mr.S.K.Patra,
 learned Standing Counsel for A.G.Odisha. Perused the writ
 application as well as the documents annexed thereto.
3. The Petitioner has filed the present writ application
 with the following prayer:

*“It is, therefore, prayed that Your Lordships
be graciously pleased to pass the following
relief(s):-*

- i) The Hon’ble Court be pleased to admit and*



allow the Writ Petition.

- ii) The Hon'ble Court be pleased to allow this writ petition by further directing the Opp.Parties to regularise the services of the Petitioner by further governing his services under the Old O.C.S.(Pension) Rules, 1992, instead of NPS, for the purpose of sanctioning pension and pensionary benefits by taking into account the DLR and W/C establishment service periods as qualifying service so also treating the Petitioner as an appointee of the pre-2005 years by granting all consequential service and financial benefits within a time bound period for the interest of justice.*
- iii) The Hon'ble Court be pleased to pass any other Writ(s), Direction(s), Order(s) as this Hon'ble Court may be deemed fit and proper;"*

4. Learned counsel for the Petitioner at the outset contended that initially the Petitioner was engaged in Government service with effect from 01.01.1993 on NMR basis as Laboratory Attendant. He further referred to the Resolution of the Finance Department dated 15.05.1997 with regard to regularisation of services of Work Charged, NMR, DLR & J.C. employees, and contended that those who have completed 10 years of service and have been engaged in service prior to 12.04.1993, are to be regularised. Learned counsel for the Petitioner submitted that although the Petitioner has completed 10 years of service, his case for regularisation of service could not be considered by the Opposite Parties. Being aggrieved by the conduct of the Opposite Parties, initially the Petitioner



approached the O.A.T., Bhubaneswar by filing O.A.No.85 of 1997 which was disposed of on 07.09.1998. Pursuant to the order passed by the learned Tribunal, the Opposite Parties reengaged the Petitioner as Laboratory Attendant under high skilled category and sanctioned salary attached to the post with effect from 05.05.1999.

5. While the matter stood thus, on completion of 10 years of service, the Petitioner again filed O.A.No. 1252 of 2003 before the learned O.A.T. Learned O.A.T. vide order dated 22.08.2003 disposed of the Original Application directing the Opposite Party No.3 to consider the case of the Petitioner for regularisation of his service. After disposal of the second Original Application, the Petitioner approached the Opposite Party No.3 which was considered and disposed of vide order dated 23.12.2003 with an observation that the case of the Petitioner shall be considered after lifting of ban order imposed by the State Government. Since nothing was happened and while the Petitioner was waiting for regularisation of his service, vide order No.7323 dated 28.02.2009 the Government issued an order to bring over 5702 nos. of NMR employees who were engaged prior to 12.04.1993 through Work Charged establishment. Since the Petitioner was not brought over to Work Charged establishment, he was compelled to file O.A.No.322 of 2011. The 3rd O.A. was disposed of on 07.04.2011 with a direction to bring the Petitioner over to Work Charged establishment. Accordingly, the Petitioner was brought over to the Work Charged Establishment with effect from 21.01.2013 with the concurrence of the Finance



Department.

6. Learned counsel for the Petitioner at this juncture contended that although the Petitioner has been working in Work Charged establishment since the date he was brought over to Work Charged Establishment, his service was not regularised. Being aggrieved by the inaction of the Opposite Parties, the Petitioner has approached this Court by filing the present Writ Petition with a direction to the Opposite Parties for regularisation of his service. Further, referring to the decision of the Hon'ble Supreme Court in **Jago, Sripal**, **the learned counsel for the Petitioner** contended that taking into consideration the long and uninterrupted period of service rendered by the Petitioner, the services of the Petitioner should have been regularised.

7. Learned Additional Government Advocate on the other hand contended that the Petitioner has not approached the Departmental Authority before approaching this Court. Leaned Additional Government Advocate further contended that in the event this Court directs the Opposite Party No.3 to consider the case of the Petitioner in accordance with law within a stipulated period of time, he will have no objection.

8. Having heard learned counsels for the respective parties, on careful examination of the background facts as well as the documents annexed to the Writ Petition and keeping in view the fact that the Petitioner has been serving since long, this Court deems it proper to dispose of the Writ Petition at the stage of admission by granting liberty to the Petitioner by filing a representation before Opposite Party



No.3 taking therein all the grounds available to the Petitioner along with the relevant documents within a period of three weeks from today. In such eventuality the Opposite Party No.3 shall do well to consider the representation of the Petitioner in the light of the law laid down by the Hon'ble Supreme Court as well as this Court in the aforesaid case and dispose of the representation of the Petitioner by passing a speaking and reasoned order within a period of three months from the date of communication of certified copy of this order, which shall be communicated within two weeks from today. The final decision so taken be communicated to the Petitioner within 10 days after taking such decision.

9. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Designation: AR-CUM-Senior Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 22-Jul-2025 17:24:07

