



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20063 of 2025

Prahallad Chandra Sahoo

.....

Petitioner

Represented By Adv. -
Basudev Barik

-versus-

State Of Orissa and others

.....

Opposite Parties

Represented By Adv. –
Mr. J.K.Bal, A.G.A.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

23.07.2025

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
 3. The Petitioner has filed the present writ application with the following prayer:

“In the circumstances, it is humbly prayed to this Hon'ble court may be pleased to issue notice to the Opp. parties as to why the case shall not be allowed and after hearing parties may kindly be directed to the opp. parties to regularize/grant continuity the disengagement period of the petitioner i.e. from 29.03.2003 to 26.07.2012 with all financial benefits including promotion and all other benefits which has been granted to his counterpart employees, as "No work no pay" and "Last Come First Go" is not applicable to the petitioner's case for the interest of justice.



*And further necessary directions may issued to the opp. parties to extend the benefits in favour of the petitioner in the light of law laid down by the Hon'ble High Court of Orissa in its judgment dtd. 19.04.2022 in W.P.C (C) No- 6277/2014 Madan Chandra Nayak Versus Principal Secretary to Govt.and batch which has been **affirmed** by the Hon'ble Supreme Court of India order dtd. 05.12.2024 in Special leave to Appeal (C) Nos- 16485-16487/2023 wherein decided No work no pay concept is not applicable to the submerged people directed to grant back wages and case of Jugal Kishore Nayak order passed in WPC NO- 1065/2009 dtd.06.12.2021, which has been implemented by the state in a CONTC proceeding vide order dtd.01.10.2016 passed in CONTC No- 2290/2012.*

And pass any order/orders which the Hon'ble court may deem fit and proper.”

4. It is stated by the learned counsel for the petitioner that the petitioner happens to be a displaced person under the Samal Barrage Project. As he was classified under the partly affected group he has been given an appointment on 01.01.1982 as NMR basis as and brought over to Work Charge on 02.09.1993. Finally, the petitioner was retrenched from service 29.03.2003.

5. Learned counsel for the petitioner further contended that while considering the grievance of similarly placed persons the State Government constituted a High Power Committee and on the basis such recommendation of the High Power Committee, the petitioner was re-engaged on work charge establishment w.e.f. 26.07.2012. However, the Opposite Parties have not paid the wages/remuneration in respect of the petitioner for the period during which the petitioner was not allowed the perform his duty as a result of the retrenchment



order dated 29.03.2003. Challenging the aforesaid conduct of the Opposite Parties one of the similarly situated persons namely one Madan Chandra Nayak approached the tribunal by filing O.A. No.954(C) of 2013 with a prayer to regularise disengagement period with all financial benefits including promotion and other service benefits as has been giving to his counter parts. The learned Tribunal vide order dated 05.02.2013, although allowed the prayer of the petitioner with regard to regularisation of his period of disengagement, however financial benefits for the aforesaid period was not extended in favour of the present petitioner. Being aggrieved by such decision the petitioner approached this Court by filing the W.P.(C) No.6277 of 2014. A division bench of this Court disposed of the writ application of the petitioner along with a batch of similar other matters vide a common judgment dated 19.04.2022 thereby directing the Opposite Parties to pay the financial benefits of the petitioner for the period during which the petitioner was disengaged from service till his re-engagement, as similar benefits have already been extended to similarly situated employees.

6. Learned counsel for the petitioner further contended that being aggrieved by such order of the division bench, the state-opposite parties preferred an appeal before the Hon'ble Supreme Court by filing Special Leave to Appeal (C) No.16485-16487/2023. The Hon'ble Supreme Court, vide order dated 05.12.2024, dismissed the appeal preferred by the State-Opposite Parties. Thus, the order passed by the tribunal as well as the division bench of this Court which was confirmed. Learned counsel for the petitioner further contended that similar benefits have also been extended in the case of one Jugal Kishore Nayak who had approached this Court by filing W.P.(C)



No.1065 of 2009 which was disposed of on 06.12.2011. In such view of the matter, learned counsel for the petitioner contended that the petitioner is also entitled to the salary/wages for the period for which he was disengaged from service.

7. Learned counsel for the state on the other hand contended that although she has no instruction, however on perusal of the writ application, it appears that the petitioner has already approached the Opposite Parties by filing a detailed representation on 16.01.2025 under Annexure-6 to the writ application and the same is pending before the Opposite party No.2. In such view of the matter, learned counsel for the State submitted that in the event the representation of the petitioner under Annexure-6 is pending before the Opposite Party No.2 and no final decision has been taken thereon, she will have no objection in the event this Court directs the Opposite Party No.2 to take a decision on the representation of the petitioner under Annexure-6 in accordance with law within a stipulated period of time.

8. Considering such submissions made by the learned counsels appearing for the parties, on a careful examination of the materials on record, further keeping in view the limited nature of the grievance involved in the writ application, this Court deems it proper to dispose of the writ application at the stage of admission by directing the Opposite Party No.2 to consider and dispose of the representation of the petitioner under Annexure-6 in the event the same is still pending, within a period of eight weeks from the date of communication of a certified copy of this order. It is further directed that while considering the representation of the petitioner, the Opposite Party No.2 shall take into consideration the case of Madan Chandra Nayak



as well as Jugal Kishore Nayak, as has been referred to hereinabove and the representation of the petitioner be disposed of by passing a speaking an reasoned order. In the event it is found that the petitioner stands in a similar footing to the above noted two persons, then similar benefit be extended in favour of the petitioner within a period of six weeks from the date of taking such a decision. Any decision taken by the Opposite Party No.2 be communicated to the petitioner from time to time.

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

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Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 26-Jul-2025 13:34:46



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