



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.19897 of 2025

Rakesh Pradhan

.....

Petitioner

Represented By Adv. –

Mr. Shashibhusan Biswal

-versus-

State of Odisha and others

.....

Opposite Parties

Represented By Adv. –

Mr. S.K. Parhi, ASC

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

ORDER
24.07.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel appearing for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“It is, therefore, prayed that this Hon'ble Court may graciously be pleased to issue Rule NISI calling upon the Opp. Parties to show cause as to why the case of the petitioner shall not be considered for regularization of his service in the post of Attendant laying vacant in the Office of the Blood centre, District Headquarter Hospital, Angul under Health and FW Department, Odisha, Bhubaneswar and as



to why the petitioner shall not be paid all the consequential service benefits.

AND if the Opp. Parties fail to show cause or show insufficient causes then this Hon'ble Court may make the said Rule absolute by giving directions to the Opp. Parties to regularize the service of the petitioner against the vacant post of Attendant laying vacant in the Office of the Blood centre, District Headquarter Hospital, Angul, under Health and FW Department, Odisha, Bhubaneswar with all service benefits."

AND necessary direction be issued to the Opp. Parties more particularly to the Opp. Party No.1-the Commissioner-Cum-Secretary Health and FW Department Govt. of Odisha, Bhubaneswar to take a final decision on the pending representation under Annexure-7 within a time as stipulated by this Hon'ble Court.

AND further be pleased to issue any other appropriate writ/writs, Rule/Rules or order/orders, direction/directions as may be deemed fit and proper in the interest of Justice."

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner was initially appointed on 10.01.2011 pursuant to letter under Annexure-3 series to the writ petition. He further submitted that since the date of initial appointment, the Petitioner has been continuing in service on contractual basis without any intervention in service. Learned counsel for the Petitioner, at this juncture, contended that the nature of service that is being rendered by the Petitioner is perennial in nature. He further contended that the Government of Odisha in Health &



Welfare Department formulated a policy decision which was communicated vide letter dated 30.09.2024 under Annexure-4 to the writ petition. In view of the recommendation made by the High Power Committee, a decision was taken, which is indicated in paragraph-30 of the recommendation under Annexure-4, to the effect that the Health Department should take necessary steps to regularize the contractual employees of Odisha State AIDS Control Society (OSACS), Bhubaneswar who have completed more than six years of service with much dedication and commitment for the greater interest of the OSACS, Odisha. Learned counsel for the Petitioner referring to the aforesaid recommendation of the High Power Committee, contended that the Petitioner has completed more than 6 years of service. He further submitted that service career of the Petitioner so far remain unblemished. Therefore, the Petitioner is entitled to regularize in service in terms of the recommendation contained under Annexure-4 to the writ petition.

5. In course of his argument, learned counsel for the Petitioner referring to the judgments of the Hon'ble Supreme Court in *Shripal and Anr. V. Nagar Nigam, Gaziabad* (decided on 31st January, 2025 in Civil Appeal Nos.8158-8179 of 2024); and in *Jaggo v. Union of India & others*, reported in *2024 SCC Online SC 3826* as well as the judgment of this Court in *Sitaram Behera v. State of Odisha and others* (W.P.(C) No.8236 of 2024 decided vide judgment dated 16.05.2025), submitted that since the



Petitioner has been working for almost a decade uninterruptedly, his service should have regularized in terms of the aforesaid judgments. Learned counsel for the Petitioner further contended that ventilating his grievance, the Petitioner has approached the Opposite Party No.1 by filing a detailed representation on 18.11.2023. He further contended that although such representation has been received by the Opposite Party No.1, however no final decision has been taken on such representation. Being aggrieved by such inaction of the Opposite Party No.1 in regularizing the service of the Petitioner and in disposing of the representation of the Petitioner under Annexure-7 to the writ petition, the Petitioner has approached this Court by filing this writ petition.

6. Learned counsel for the State, on the other hand, contended that although he has no instruction in the matter, however, it appears that the Petitioner has approached the Opposite Party No.1 by filing representation under Annexure-7 to the writ petition. In such view of the matter, learned counsel for the State contended that in the event any such representation is pending before the Opposite Party No.1 and no final decision has been taken thereof, he will have no objection in the event this Court directs the Opposite Party No.1 to consider and dispose of the representation of the Petitioner in accordance with law and within a stipulated period of time.

7. Having heard the learned counsels appearing for the



respective parties and on a careful examination of the background facts of the present case, further taking into consideration the submission made by the learned counsel for the Petitioner that the Petitioner has been working for almost a decade continuously without any break and he has a unblemished career and also taking into consideration the recommendation under Annexure-4, this Court deems it proper to dispose of the writ petition by directing the Opposite Party No.1 to consider the grievance of the Petitioner as involved in his representation under Annexure-7 strictly in terms of the judgments referred to hereinabove as well as the recommendation under Annexure-4 within a period of three months from the date of communication of a certified copy of this order by passing a speaking and reasoned order. The final decision so taken on such representation be communicated to the Petitioner within ten days from the date of taking such decision.

8. With the aforesaid observation and direction the writ petition stands disposed of.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 28-Jul-2025 17:01:11

