



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) Nos.23033, 23063 & 23136 of 2023

WP(C) No.23033 of 2023

Susil Kumar Baral

.....

Petitioner

Mr. A. Kanungo, Advocate
Mr. D.K. Mohapatra, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.K. Panda, ASC
Mr. D.P. Nanda, Sr. Advocate
along with
Mr. R.K. Kanungo, Advocate
(Opp. Party No. 5)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.02.2026

Order No.18

1. This matter is taken up through hybrid mode.
2. Since the issue involved in all the writ petitions is identical, with the consent of the learned counsel appearing for the Parties, all the matters were heard analogously and disposed of by the present common order.
3. All these writ petitions have been filed challenging the communication issued on 28.06.2023 by Opp. Party No. 5 to the concerned agency-Opp. Party No. 6 with a direction to disengage the present Petitioners from their engagement.
4. It is the case of the Petitioners that Petitioners are continuing as Junior Engineer (Contractual) through outsourcing agency since last so many years, initially under CESU and thereafter, under SOUTHCo. It is contended that when the present Opp. Party No. 5



came into picture in the year 2020, the present Petitioners were also allowed to continue through outsourcing agency as Junior Engineer (Contractual).

4.1. It is however contended that on the face of such long continuance through the agency, now because of the impugned letter issued by Opp. Party No. 5 to disengage the Petitioners, they are aggrieved by such action of Opp. Party No. 5. It is further contended that since the work is perennial in nature, there is no necessity to issue such a communication requesting the concerned agency to disengage the present Petitioners who are continuing through outsourcing agency since long. It is accordingly contended that such communication issued by Opp. Party No. 5 on 28.06.2023 directing the agency to disengage the Petitioners, requires interference of this Court. It is further contended that by virtue of the interim order passed by this Court on 31.07.2023, Petitioners are continuing through the agency as on date.

5. Mr. D.P. Nanda, learned Sr. Counsel appearing for Opp. Party No. 5 along with Mr. R.K. Kanungo, learned counsel on the other hand contended that there is no dispute that the present Petitioners are continuing as Junior Engineer (Contractual) through outsourcing, starting from the time CESU was in operation in the State of Odisha. But TATA Power when came into picture in the year 2020, since it is felt that continuance of the present Petitioners is no more a requirement, the impugned communication was issued directing for disengagement of the Petitioners who are continuing admittedly through outsourcing agency-Opp. Party No. 6. It is accordingly contended that since there is no requirement of the



present Petitioners for their continuance any further, such an action was taken by Opp. Party No. 5.

5.1. However, because of the interim order passed by this Court, Opp. Party No. 5 has no other option than to allow the Petitioners to continue.

5.2. It is however fairly contended that even if the present Petitioners are disengaged basing on the impugned communication issued by Opp. Party No. 5, but in their place no fresh engagement will be made through any outsourcing agency. It is further contended that as and when Opp. Party No. 5 will feel it necessary to execute the work performed by the Petitioners, Petitioners will be given preference and they will be re-engaged through outsourcing. It is also fairly contended that if any selection process is undertaken by Opp. Party No. 5 to fill up the post in question on regular basis even, these Petitioners will be given due weightage taking into account their experience and seniority and all of them will be provided with age relaxation in order to enable them to participate in the process of selection.

6. Having heard learned counsel appearing for the Parties and considering the submission made, this Court while disposing all the three (3) writ petitions without interfering with the impugned communication dt.28.06.2023, observe that in place of the present Petitioners, no such fresh engagement will be made by Opp. Party No. 5. It is further observed that as and when there will be any requirement, with regard to the nature of work discharged by the Petitioners, Petitioners will be given preference. It is further observed that if any selection process is initiated to fill up the post



in question on regular basis, Petitioners will be given due weightage and their past experience will be taken into consideration, Petitioners will also be extended with age relaxation, for their participating in the selection process. It is also observed that if there is requirement at present for continuance of the Petitioners, Opp. Party No. 5 shall allow the Petitioners to continue on the face of the impugned communication through Opp. Party No. 6 or any other agency.

7. All the three (3) writ petitions accordingly stand disposed of with the aforesaid observation and direction. Interim order passed earlier stands vacated in all the matters.

Photo copy of the order be placed in the connected case records.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha