



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.22689 of 2025

Laxmidhar Behera

....

Petitioner

Mr. S. Sahoo, Adv.

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.08.2025

Order No.

- 1.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** On the oral prayer made by the learned counsel appearing for the Petitioner, he is permitted to implead the Special Land Acquisition (Rehabilitation and Resettlement) Officer, Rengali Irrigation Project, Sukinda, Dist-Jajpur as Opp. Party No.8 in Court today.
- 3.** Heard learned counsel appearing for the parties.
- 4.** The present Writ Petition has been filed inter alia with the following prayer:

“The Petitioner, therefore, prays that this Hon’ble Court would be gracious enough to admit the case, call for the record and after hearing the parties allow the same issue writ/writs in the nature of



certiorari/mandamus and/or any other/further writ/direction directing the opp. Parties as follows:

(a) Quashing the order of communication vide letter No.1288 dated 17.08.2023 issued by the Opp. Party No.2 under Annexure-3.

(b) And be further pleased to pass the similar order as has been passed in case of similarly situated person in WPC (OAC) No.2017 of 2000 and one Purna Chandra Kishan in WP (C) No.9581 of 2024 disposed of on 24.04.2024 by this Hon'ble Court vide Annexure-4 and further regularize the service of the Petitioner with all consequential service benefits within a stipulated period.

(C) And any other/further order/orders, writ/writs be issued taking into the facts and circumstances of the case.

And for which act of kindness the Petitioner as in duty bound shall ever pray.

5. It is contended that Petitioner was appointed as a Peon vide Office Order dt.29.05.1999 of the erstwhile Special Land Acquisition and Rehabilitation Officer, RIP, Baghuabol, Talcher as per the recruitment process held by the said office in the year 1999. Pursuant to the said order, Petitioner joined as a Peon on 04.06.1999.

5.1. It is contended that subsequently when the selection process initiated was found wrong by the Government and Petitioner along with all other appointees were retrenched vide order dt.05.07.2000, the matter was carried to the Tribunal in O.A No.2088



of 2000. Pursuant to the interim order passed in the said O.A, Petitioner was allowed to continue. However O.A No.2088 of 2000 on being transferred to this Court, was disposed of vide order dt.06.11.2021, whereby liberty was given to the Petitioner to move the concerned authority, if any cause of action still subsists.

5.2. It is contended that in terms of such liberty granted by this Court, Petitioner when made an application to get the benefit of regularisation, the same was disposed of vide the impugned order dt.17.08.2023 under Annexure-3 inter alia observing that Government in the Department of Water Resources is the competent authority to take suitable action in the matter.

5.3. It is contended that on the face of such observation made in order dt.17.08.2023, no action is being taken by the Department-Opp. Party No.2 till date. However, Petitioner since 1999 is continuing in the establishment of Opp. Party No.4 till date and because of such long continuance, Petitioner is eligible to get the benefit of regularisation.

5.4. It is also contended that in the meantime similarly situated person when approached this Court by filing W.P.(C) No.9581 of 2024 and this Court directed for



consideration of his claim, vide order dt.11.04.2025 under Annexure-5, Petitioner therein Shri Purna Chandra Kishan was regularised in his services. However, Petitioner's claim is yet to be considered by Opp. Party No.2, though Petitioner is similarly situated as like the Petitioner in W.P.(C) No.9581 of 2024.

6. Learned Addl. Govt. Advocate on the other hand contended that if Petitioner is continuing as on date and person similarly situated have got the benefit of regularisation vide order under Annexure-5, let the Petitioner move Opp. Party No.2 for consideration of his claim.

7. Having heard learned counsel for the parties and considering the submission made and taking into account the nature of order passed on 17.08.2023 under Annexure-3 by Opp. Party No.8, this Court while disposing the Writ Petition permits the Petitioner to move Opp. Party No.2 for consideration of his claim for regularisation.

7.1. It is observed that if any such application will be moved before Opp. Party No.2 within a period of two (2) weeks hence, Opp. Party No.2 shall do well to consider and dispose of the same in accordance with law within a period of two (2) months from the date of receipt of the application.



7.2. It is further observed that while taking such a decision, relevancy and effect of the benefit extended in favour of the Petitioner in WP.(C) No.9581 of 2024 vide order dt.11.04.2025 under Annexure-5 be taken into consideration, if the said person is similarly situated as like the Petitioner.

7.3. Till a decision is taken as directed, no coercive action shall be taken against the Petitioner.

7.4. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa,cuttack
Date: 01-Sep-2025 12:32:15

