



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A.No.568 of 2018

Sanatan Mallik and another

....

Appellants

Mr. Sidheswar Mallik, Advocate

-versus-

***Odisha State Road Transport
Corporation and another***

....

Respondents

Mr. Amitav Tripathy, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE MURAHARI SRI RAMAN

ORDER

22.06.2026

Order No.

11. 1. This intra-court appeal under Clause 10 of the Letters Patent constituting the High Court of Judicature at Patna read with Article 4 of the Orissa High Court Rules, 1948 is directed against the order dated 03.12.2018 passed in W.P.(C) No.18269 of 2018 by a learned Single Judge of this Court.
2. The case of the appellants (petitioners in the writ petition) is that though they have been engaged during the year 2000-2001 as part-time Sweepers on consolidated pay and the respondents (opposite parties in the writ petition) decided to make selection and appointment of Sweepers on regular basis against large number of vacancies arose on account of retirement of such employees, the respondents are engaged on daily wage basis on monthly remuneration in the year 2011 after being selected by the Divisional Selection



Committee. Subsequently, in the year, 2017 their services have been extended on yearly basis.

3. It is submitted that the appellants completed more than 18 years of services as on the date of filing of writ petition and continued as such. Yet, they have not been given regular appointment. Hence, the appellants approached this Court in W.P.(C) No.18269 of 2018, which came to be disposed of on 03.12.2018 with the following order:

“Heard Mr. S. Mallik, learned counsel for the petitioners.

The petitioners have filed the writ petition seeking for direction to the opposite parties to regularize their services as sweepers w.e.f. 04.08.2011 by following due process of selection.

Perused the record. It appears that by following selection, the petitioners have been engaged as sweepers on contractual basis under Orissa State Road Transport Corporation with consolidated salary. Knowing fully well of the terms of engagement, the petitioners have joined in the post and are still continuing in their services. At this stage, the petitioners cannot claim regularization of their services w.e.f. 04.08.2011. Therefore, this Court is not inclined to entertain the writ petition. However, needless to say that in any event if any rules applicable to the petitioners for regularization of their services, in that case the authority shall consider the case of the petitioners in accordance with law.

With the above observation, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.”

4. Since no counter affidavit was filed before the learned Single Judge, the stand of the respondents could not be



ascertained, this Court *vide* Order dated 02.02.2023 directed the respondents to file reply indicating whether there is in existence any policy for regularisation in service of contractual workers, particularly considering that the appellants herein have been working on contractual basis since 2011. Though on many occasions the matter was listed, and matter stood adjourned, the respondents did not choose to file any response. However, when the matter is taken up today, counsel for the respondents without making firm stand on such query by way of filing response, would submit that the appellants may approach the authorities in this regard and the authorities can be directed for consideration of their plight. The counsel representing the appellants conceded to such proposal.

5. Having heard the counsel for both sides and upon perusal of record, the grievance of the appellants as perceived appears that they have been engaged to work as Sweepers for a considerable length of time and their engagements have been extended from time to time without any break. Nonetheless, their case for regularization in service has not been considered by the authority concerned. The order dated 03.12.2018 which gave rise to filing of this writ appeal reveals that the learned Single Judge while declining to entertain the writ petition observed that the authority would consider the case of the appellants in accordance with law in the light of applicable rules.



6. It is submitted at the bar that the Hon'ble Supreme Court of India as well as this Court considering the case of contractual employees, like that of the appellants-sweepers, being engaged for considerable period and requiring their services perennially, directed for regularization in services.
7. This Court, therefore, on the conceded position as recorded aforesaid, feels it expedient to direct the appellants, if so advised, to approach the authority by submitting a comprehensive representation within a period of fifteen days hence citing the case laws and/or refer to any extant rules applicable in their favour for consideration of regularization of their services. In such eventuality, the appropriate authority shall consider the case of the appellants in the light of decisions cited and rules referred within a period of eight weeks from the date of receipt of such representation along with copy of this order. A reasoned order in this regard shall be communicated to the appellants henceforth.
8. With the aforesaid observations and directions, the Writ Appeal is disposed of. Pending Interlocutory Application(s), if any, shall stand disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge