



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.2600 of 2024

State of Odisha & Another **Appellants**

Mrs. S. Pattanayak, AGA

-versus-

Shyama Dunguria & Another **Respondents**

CORAM:

JUSTICE KRISHNA SHRIPAD DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

27.02.2026

Order No.

01.

I.A. No.6841 of 2024

This appeal by the State and its functionaries seeks to call in question a learned Single Judge's order dated 29.08.2022, whereby Respondent-employees W.P.C (OAC) No.1261 of 2017 having been favoured, a direction has been issued to the Appellants herein to consider the case of Respondent-employees for regularization in the light of *Secretary, State of Karnataka v. Umadevi*, (2006) 4 SCC 1 within a period of four months and also to grant consequential service benefits as admissible. The appeal is moved after brooking a long delay of 723 days and an application in I.A. No. 6841 of 2024 supported by an affidavit accompanies the appeal memo.

2. Learned AGA- Mrs. Pattanayak appearing for the Appellants vehemently argues that the decision in *Umadevi supra* relied upon



by the learned Single Judge, instead of supporting the case of Respondent-employees, supports that of the Appellants and therefore, there is an error apparent on the face of the record warranting interference of this Court.

3. Having heard learned AGA for the Appellants and having perused the Appeal papers, we decline indulgence in the matter for the following reasons:-

3.1. Firstly, the appeal is filed after brooking a long delay of 723 days. The explanation offered in the application along with affidavit does not constitute sufficient cause for the condonation of delay. Merely because Appellants are the State and its functionaries, the law of limitation does not differ. Why State should be shown a greater leniency is also another aspect. Therefore, the subject application is liable to be rejected.

3.2. The contention of learned AGA that the ratio in Umadevi, instead of supporting case of the employee, adumbrates that of the Appellants may not be much examined, inasmuch as the law relating to regularization of services has marched from April to May and now to the June of its life, pursuant to ***Jaggo v. Union of India***, 2024 INSC 1034, ***Shripal v. Nagar Nigam, Ghaziabad***, 2025 INSC 144 & ***Dharam Singh v. State of U.P.***, 2025 INSC 998. The view in Umadevi *supra* to a great extent loosened. The said decision has been considered in Jaggo *supra* and only thereafter certain principles have been laid down in the matter of regularization of services. Admittedly, the Appellants gained entry to the service w.e.f. 01.08.1997. At this long, denying



regularization would be denying justice to him, which a Constitutional Court cannot offer to do.

In the above circumstances, appeal being devoid of merits is rejected in *limine* with a direction to the Appellants to implement the impugned order of the learned Single Judge within an outer limit of eight weeks, failing which they run the risk of being hauled up for contempt.

A copy of this order shall be sent by speed post to the Respondent-employees immediately.

Web copy of this order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Madhusmita