



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC (CP) No.476 of 2017

Jitendriya Pradhan

....

Petitioner

Mr. J. Kar, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. M.K. Khuntia, A.G.A.

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
02.08.2024**

15. This matter is taken up through Hybrid mode.

2. The petitioner has alleged disobedience of an order passed by the Odisha Administrative Tribunal dated 21.07.2017 in O.A. No.569 of 2016, operative portion of which reads as under:

“Considering the submission of learned counsel for the applicant and learned Standing Counsel, as the grievance of the applicant for regular appointment on completion of six years of service has not been denied and is pending active consideration of Respondent No.3, the OA is disposed of with a direction to respondent No.1, 2 and 3 to take appropriate action for regularization of the services of the applicant and issue appointment order following the resolution of the Govt. dtd.17.09.2013, as has been done in the case of similarly situated para-medical staff such as MPHW (M) of Deogarh district vide order communicated in Memo No.4050 (6) dt. 5.7.2016



and such action be taken within a period of three months from the date of receipt of a copy of this order. On issuance of such regular appointment order, consequential benefits as due and admissible be extended to the applicant.”

3. Instead of regularizing the petitioner's services and issuance of appointment order as directed by the Odisha Administrative Tribunal, the Additional Secretary to Government of Odisha in the Health and Family Welfare Department has passed an order holding that the petitioner is not entitled to regularization under the resolution of the Government dated 17.09.2013. The order has been passed on 29.02.2024.

4. *Prima facie*, this Court is satisfied that the order dated 21.07.2017 has been violated by denying the petitioner the benefits of the said order on the ground that he could not be regularized in terms of the resolution dated 17.09.2013. No stand has been taken in the show cause reply filed on behalf of the contemnors that the petitioner's case is distinguishable from those para-medical staff such as MPHWS (M) of Deogarh District whose services have been regularized.

5. List this matter on 09.08.2024 for learned Additional Government Advocate to seek further instructions.

(Chakradhari Sharan Singh)
Chief Justice