

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC (CP) No. 476 of 2017

Jitendriya Pradhan

.... Petitioner

Mr. J. Kar, Advocate.

- Versus -

**Pramod Meherda, Commissioner-
cum-Secretary, H & F.W.
Department.**

.... Opp.Parties

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

23.11.2023

**Order No.
06**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. In course of hearing, it is brought to the notice of this Court that a co-employee, namely Antaryami Pradhan had approached the erstwhile Odisha Administrative Tribunal in O.A No. 2255 (C) of 2009, wherein the petitioner was arrayed as respondent No.7, the tribunal by order dated 26.08.2015 allowed the O.A. by quashing the appointment of the present petitioner (respondent No.7 therein) and directing the authorities to issue appointment order in favour of the applicant, Antaryami Pradhan. Notwithstanding the above, the Tribunal, taking note of the continuous service of the petitioner for 6-7 years, did not feel it proper to throw the petitioner out of employment and therefore, directed the authorities to absorb him against any vacancy or to allow him to continue on adhoc basis till a regular vacancy is available. Said order of the Tribunal was challenged by the State before this Court in W.P.(C) No.18245 of 2018, which has since been dismissed as

per order passed on 12.03.2020 by a Division Bench of this Court. While the matter stood thus, the petitioner approached the Tribunal in O.A. No. 569 of 2016 seeking regularization of his services. The Tribunal has passed a positive order directing the concerned authorities to take appropriate action for regularization of the services of the petitioner following the resolution dated 17.09.2013 as has been done in case of similarly situated paramedical staff such as MPHWM of Deogarh district within a period of three months.

4. From the above narration it is clear that both the orders of the Tribunal as referred above have attained finality. There is thus, no other alternative for the State but to comply with the same as early as possible.

5. Learned State Counsel requests for some time to take instructions.

6. Having regard to the fact that the contempt application has been pending since the year 2017, this Court would ordinarily not be inclined to grant time. However, for the ends of justice, last chance is granted to the State Counsel to comply with the order and file compliance affidavit within three weeks, failing which appropriate orders shall be passed in the contempt application.

7. List this matter on 21st December, 2023.

8. Free copy of this order be handed over to the learned State Counsel for compliance.

(Sashikanta Mishra)
Judge