



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 2664 of 2023

(An appeal under Article 4 of the Orissa High Court Order, 1948 read with Clause-10 of the Letter Patent of the Patna High Court, challenging the order dated 3rd May, 2023 passed by the Hon'ble Single Judge in WP(C) No.17510 of 2022)

- 1. State of Odisha**, represented
through Additional Chief
Secretary to Govt. of Odisha,
Water Resources Department,
Bhubaneswar
 - 2. Engineer-in-Chief**, Water
Resources, Odisha,
Bhubaneswar
 - 3. Additional Chief Engineer**,
Southern Irrigation Circle,
Berhampur
 - 4. Superintending Engineer**,
Kalahandi Investigation
Division, Bhawanipatna
- **Appellants**
- Versus-
- **Respondent**

Advocates appeared:

For Appellants : Mr. Siba Narayan Biswal,
Additional Standing Counsel

For Respondent : Mr. Lokanath Rath, Advocate

CORAM:

**MR. JUSTICE K.R. MOHAPATRA
MISS JUSTICE SAVITRI RATHO**



Heard and disposed of on : 24.02.2026

J U D G M E N T

By the Bench:

I.A. No.854 of 2026

1. This is an application for condonation of delay of 146 days in filing the Writ Appeal.
2. Although Stamp Reporter has pointed out a delay of 46 days, on computation of limitation period, it appears that there is a delay of 146 days in filing the Writ Appeal.
3. Mr. Siba Narayan Biswal, learned Additional Standing Counsel submits that the delay in filing the Writ Appeal was not intentional and the same is *bona fide*.
4. Mr. Lokanath Rath, learned counsel for the Respondent submits that he has no serious objection for condonation of delay but he submits that the Writ Appeal may be taken up on merits.
5. Taking note of the submission by the learned counsel for the parties, delay in filing the Writ Appeal is condoned.
6. The I.A. is disposed of.

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7. On the request of Mr. Rath, learned counsel for the Respondent and on consent of Mr. Biswal, learned Additional



Standing Counsel for the Appellants, the Appeal is taken up on merits.

8. The State of Odisha and its functionaries being aggrieved by the order dated 3rd May, 2023 passed by this Court in WP(C) No.17510 of 2022 have filed this Writ Appeal.

9. Mr. Biswal, learned Additional Standing Counsel representing the Appellants submits that the writ petition was filed with a prayer to set aside the order dated 4th July, 2022 passed by the State Government and for further direction to the Opposite Parties to bring the Respondent to the work-charged establishment with effect from 7th February, 2009, i.e., the date on which his juniors working in Rajib Bhawan, were brought to work-charged establishment. The Respondent also prayed for release of consequential benefits like differential arrear salary with effect from 7th February, 2009 up to the date on which the Respondent brought to the work-charged establishment and thereafter to bring the Respondent to the regular establishment and to give him all service and financial benefits including regular scale of pay.

10. Learned Single Judge discussing the facts involved in threadbare and relying upon the judgment in ***Pramod Kumar Patra and others v. State of Odisha and others*** [WP(C) No.12498 of 2022 and batch of writ petitions, disposed of vide common judgment dated 31.03.2023] held that the Respondent was entitled to be brought over to work-charged establishment by setting aside the order dated 4th July, 2022 passed by the



Additional Chief Secretary to Government of Odisha in the Water Resources Department directed to consider the case of the Respondent (herein) afresh. It was also directed that in the event the Authority comes to a conclusion that the Respondent comes within the category of 111 numbers of NMR Personnel, as stated in Letter dated 14th January, 2004 (Annexure-4 to the Writ Petition) then his case should be treated at par with the Petitioners in ***Pramod Kumar Patra and others*** (supra). Accordingly, direction was given to the Appellants to grant relief to the Respondent in terms of paragraph 19 of the judgment in WP(C) No.12498 of 2022 [***Pramod Kumar Patra and others*** (supra)] and batch of writ petitions, disposed of vide common order dated 31st March, 2023.

11. It is submitted by Mr. Biswal, learned Additional Standing Counsel that the ratio in the case of ***Pramod Kumar Patra and others*** (supra) is not applicable to the case of the Respondent. He further submits that the case of the Respondent does not merit consideration. It is submitted that only relying upon the judgment of ***Pramod Kumar Patra and others*** (supra), the case of the Respondent was allowed and direction was issued to consider the case of the Respondent in terms of the said decision. He, therefore, prays for setting aside the order dated 3rd May, 2023 passed by this Court in WP(C) No.17510 of 2022.

12. Mr. Rath, learned counsel for the Respondent, however, vehemently objects to the same and submits that the ratio in



Pramod Kumar Patra and others (supra) is squarely applicable to the case of the Respondent herein. It is submitted that the Respondent is one of the 111 enlisted NMR Personnel, who were retained in concurrence with the Finance Department after the cut-off date, i.e., 12th April, 1993 and was allowed to continue. The Respondent is continuing till date and going to superannuate on 28th February, 2026. It is further submitted that the case of *Pramod Kumar Patra and others* (supra) was carried to Hon'ble Supreme Court in SLP (C) No.22052 of 2025 and was dismissed. Accordingly, said Sri Pramod Kumar Patra was taken over to the work-charged establishment vide order of the Additional Chief Engineer, Central Irrigation Circle, Bhubaneswar vide order dated 4th December, 2025. It is submitted that the case of the Respondent should have been considered in terms of the direction in the case of *Pramod Kumar Patra and others* (supra) as directed by learned Single Judge in the impugned order. But without considering the case of the Respondent, this Writ Appeal has been filed to delay the matter and deprive the Respondent from his legitimate claim, both service and financial. He, therefore, prays for dismissal of the Writ Appeal.

13. Upon hearing learned counsel for the parties and on perusal of the case record, it appears that the name of the Respondent appears in the list of 111 numbers of NMR Personnel as stated in Letter dated 14th January, 2004 (Annexure-4 to the Writ Petition), who were allowed to be continued after the cut-off date, i.e., 12th April, 1993 with the



concurrence of the Finance Department. Although Mr. Biswal, learned Additional Standing Counsel in his submission disputes the same but could not produce any material to the contrary. Thus, the ratio laid down in *Pramod Kumar Patra and others* (supra) squarely applies to the case of the Respondent herein. The judgment passed by this Court in *Pramod Kumar Patra and others* (supra) has been tested by State of Odisha before the Hon'ble Supreme Court in SLP(C) No.22052 of 2025 and has been confirmed. Accordingly, said Pramod Kumar Patra has been taken over to work-charged establishment and then to regular establishment. It is not disputed at the Bar that said Pramod Kumar Patra has been extended with all service as well as financial benefits. Thus, we find no reason to discriminate the Respondent.

14. Accordingly, it is directed that the Respondent be brought over to work-charged establishment forthwith from the date his immediate junior was taken over to the work-charged establishment. Thereafter, the Respondent be brought over to regular establishment. It is needless to state that the Respondent is also entitled to all service and financial benefits, as directed in the impugned order. Accordingly, we find no infirmity in the impugned order. It is made clear that the order dated 3rd May, 2023 passed by this Court in WP(C) No.17510 of 2022 shall be given effect to notwithstanding the fact that the Respondent has been superannuated in the meantime.



15. Thus, the Writ Appeal being devoid of any merit stands dismissed.

16. In the facts and circumstances of the case, there shall be no order as to costs.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Orissa High Court, Cuttack,
Dated, the 24th February, 2026/RKS